

# *Kentucky Office of Workers' Claims*

## *2006-2007 Annual Report*



*Working together for the betterment  
of the Commonwealth*



## **Commonwealth of Kentucky Office of Workers' Claims**

Prevention Park  
657 Chamberlin Avenue  
Frankfort, Kentucky 40601  
(502) 564-5550

Web site: <http://www.labor.ky.gov/workersclaims>

Executive Director  
William P. Emrick

WORKERS' COMPENSATION BOARD  
(859) 246-2773

ADMINISTRATIVE LAW JUDGES  
Sheila C. Lowther  
Chief Administrative Law Judge  
(502) 564-5550

In addition to the Frankfort Office, OWC specialists and ombudsmen may be contacted at the following offices for information and assistance regarding workers' compensation issues:

**Toll free 800-554-8601**

410 West Chestnut Street, Suite 700  
**Louisville, Kentucky 40202**  
Telephone 502-595-4850  
Fax 502-595-4146

220-B North Eighth Street  
**Paducah, Kentucky 42001**  
Telephone 270-575-7048  
Fax 270-575-7025

107 Coal Hollow Road, Suite 100  
**Pikeville, Kentucky 41501**  
Telephone 606-433-7661  
Fax 606-433-7798

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*Developed by OWC Division of Information and Research  
Deborah Wingate, Director; Fran Davis, Research Supervisor; Kimberly McKenzie,  
Resource Management Analyst II*



## Kentucky Office of Workers' Claims

### Mission Statement:

Resourceful administration of Kentucky's workers' compensation program with equitable and expedient processing of claims

### Performance Objectives:

- Assure prompt delivery of statutory benefits, including medical services and indemnity payments
- Provide timely and competent services to stakeholders
- Foster stakeholder knowledge of rights and responsibilities under the Workers' Compensation Act
- Encourage stakeholder involvement in the development of policy and delivery mechanisms
- Provide the public and policy makers with accurate and current indicators of program performance
- Anticipate changes in the program environment and respond appropriately



*No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Kentucky Department of Labor.*

**Printed with State Funds**

This agency does not discriminate on the basis of race, color, national origin, religion, age or disability in employment or provisional services.



**ENVIRONMENTAL AND PUBLIC PROTECTION CABINET**

DEPARTMENT OF LABOR  
OFFICE OF WORKERS' CLAIMS  
657 CHAMBERLIN AVENUE  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 564-5550  
[www.kentucky.gov](http://www.kentucky.gov)

October 17, 2007

Honorable Ernie Fletcher  
Governor  
Capitol Building  
700 Capitol Avenue, Suite 100  
Frankfort, Kentucky 40601

Dear Governor Fletcher:

Pursuant to KRS 342.230 and KRS 342.435, I have the privilege to submit to you the Annual Report of the Office of Workers' Claims for fiscal year 2006-2007, which encompasses activities of the Office from July 1, 2006 through June 30, 2007. This annual report details steps taken by this office in our quest to foster stakeholder knowledge of rights and responsibilities under the Workers' Compensation Act.

Our accomplishments are attributable to the combined efforts of the Office's dedicated employees willing to go the extra mile for the constituents of the Commonwealth of Kentucky. The office continues to work closely with business and labor, the legal arena and the insurance and health care industries on ways in which to enhance the workers' compensation system.

Utilizing technology and acknowledging the necessity of providing expert services to the Commonwealth's workforce, employees of the Office of Workers' Claims have competently fulfilled its mission during this fiscal year. It has been a distinct pleasure to serve; with thanks for your encouragement and support.

Sincerely,

A handwritten signature in dark ink, appearing to read "William P. Emrick", written in a cursive style.

William P. Emrick  
Executive Director  
Office of Workers' Claims

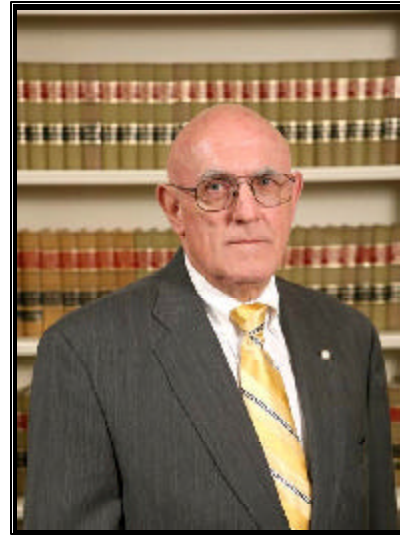


**William P. Emrick**  
**Executive Director**

William P. Emrick was appointed executive director of the Office of Workers' Claims by Governor Ernie Fletcher on August 20, 2004, and was confirmed by the Kentucky State Senate on February 11, 2005.

A native of Ashland, Ky, Emrick is a 1975 graduate of the University of Kentucky (with High Distinction) and received his Juris Doctor Law Degree in 1978 from the University of Kentucky College of Law. He is a member of Phi Beta Kappa. He practiced law for 25 years before coming to state government in 2004, and served as executive director of the Environmental & Public Protection Cabinet's Office of Legal Services; acting commissioner of Labor; acting executive director of the Office of Financial Institutions; and general counsel for the Kentucky Horse Racing Authority prior to his present appointment.

Mr. Emrick presently serves as president-elect of the Southern Association of Workers' Compensation Administrators (SAWCA), an association composed of 19 states and territories supporting and offering resources for the administration of workers' compensation laws. In 2007 he was elected to the Executive Committee of the International Association of Industrial Accident Boards and Commissions (IAIABC), a nonpartisan association representing most of the United States and Canadian provinces, as well as other nations and territories. Its mission is to advance the administration of workers' compensation systems worldwide through education, research and information sharing. Mr. Emrick is single and now lives in Lexington.



**Philip A. Harmon**  
**Deputy Executive Director**

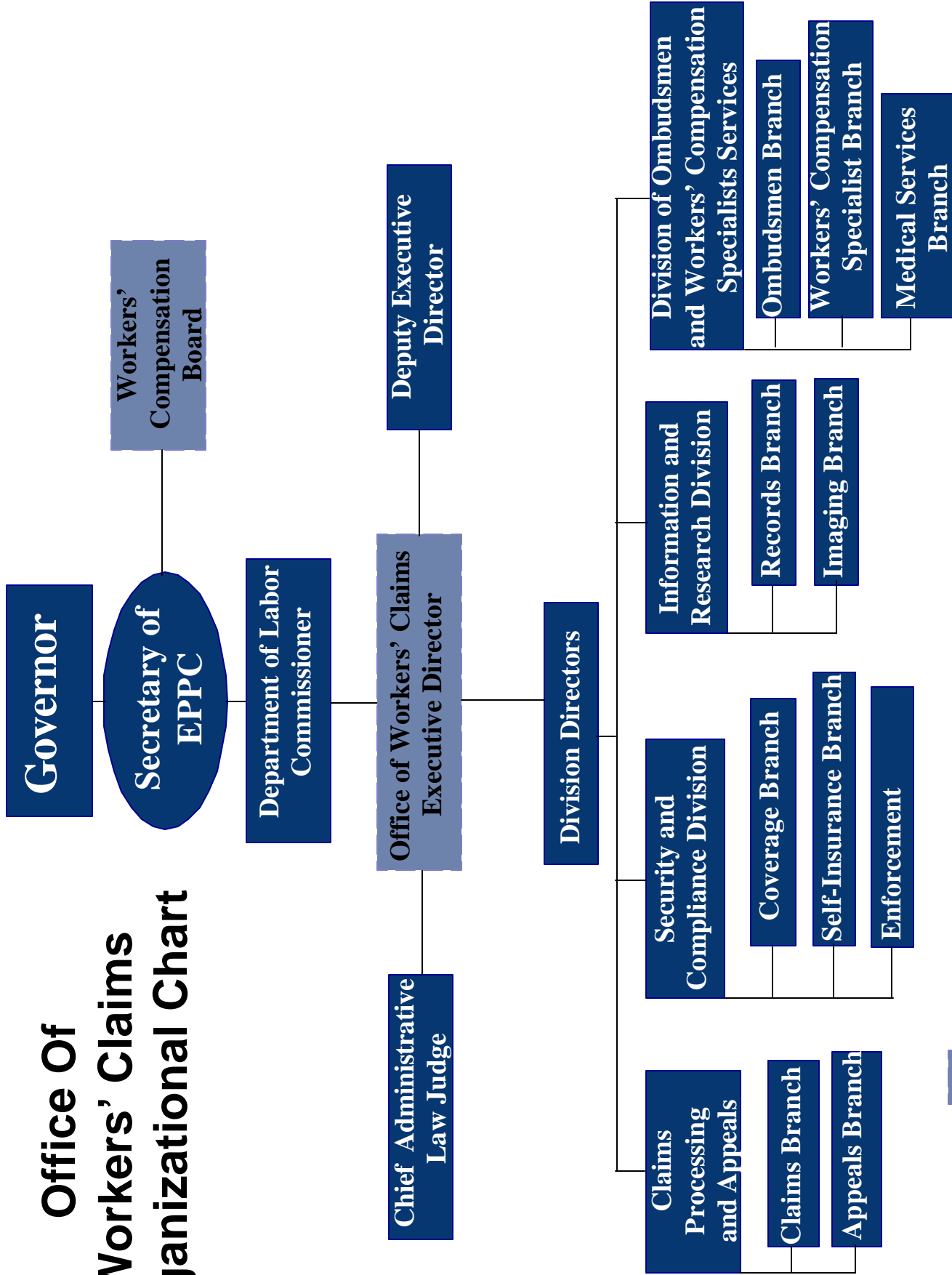
Philip A. Harmon joined the Office of Workers' Claims on November 8, 2004 as director of Security & Compliance. He was named deputy executive director on February 16, 2006.

After graduating from high school in Huntington, West Virginia, Mr. Harmon served over 4½ years with the U.S. Air Force before returning to Huntington and graduating from Marshall University in 1968. He retired from Ashland Inc. with 34 years of service in their Risk & Insurance Management Department. He joined the OWC from his position as president of The Good Samaritan Foundation.

While with Ashland, Mr. Harmon was an associate member of the International Association of Industrial Accident Boards and Commissions and the Southern Association of Workers' Compensation Administrators. He was also a member of the Risk & Insurance Management Society and the National Council of Self-Insurers.

Mr. Harmon resides in Lexington with his bride of 43 years, Connie. They have two adult sons and two grandchildren.

# Office Of Workers' Claims Organizational Chart



Attached for Administrative Purposes only

# Program Statistics





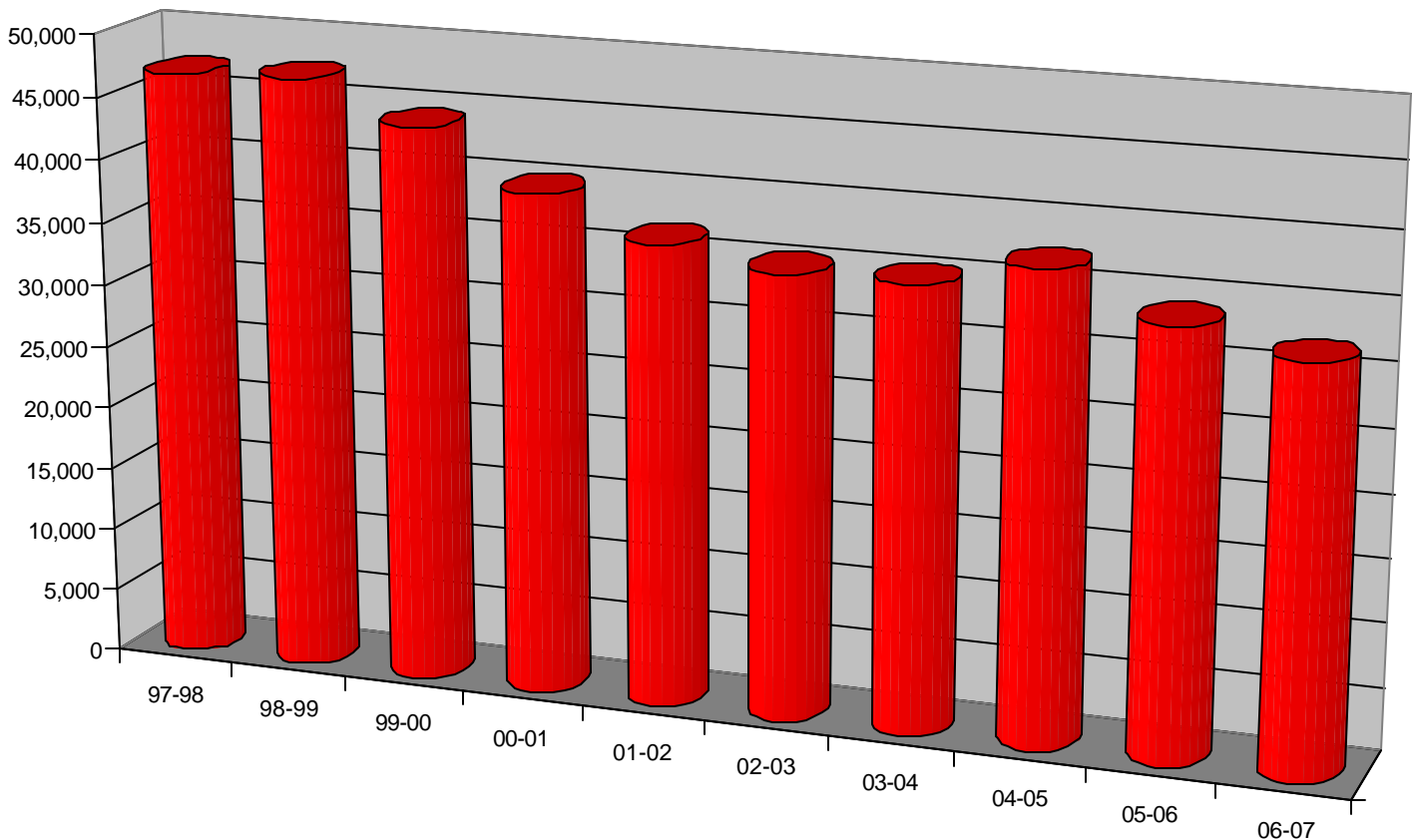
# First Reports of Injury

Kentucky Revised Statute 342.038 mandates that employers keep a record of all workplace injuries or fatalities received by employees. Upon employee notification, when more than one day of work is lost, the employer has three days to inform their workers' compensation insurance carrier or third party administrator. The employers' insurance carrier or party responsible for workers' compensation benefits then has one week after notification of the injury or fatality to file a First Report of Injury with the Office of Workers' Claims. Failure to comply with this reporting requirement may result in penalties pursuant to KRS 342.990.

In fiscal year 2006-2007, there were 31,780 lost time First Reports of Injury filed with the Office of Workers' Claims (meaning that these injured workers missed more than one day of work). Of these first reports, 43 percent were filed timely and 32 percent were subject to penalties.

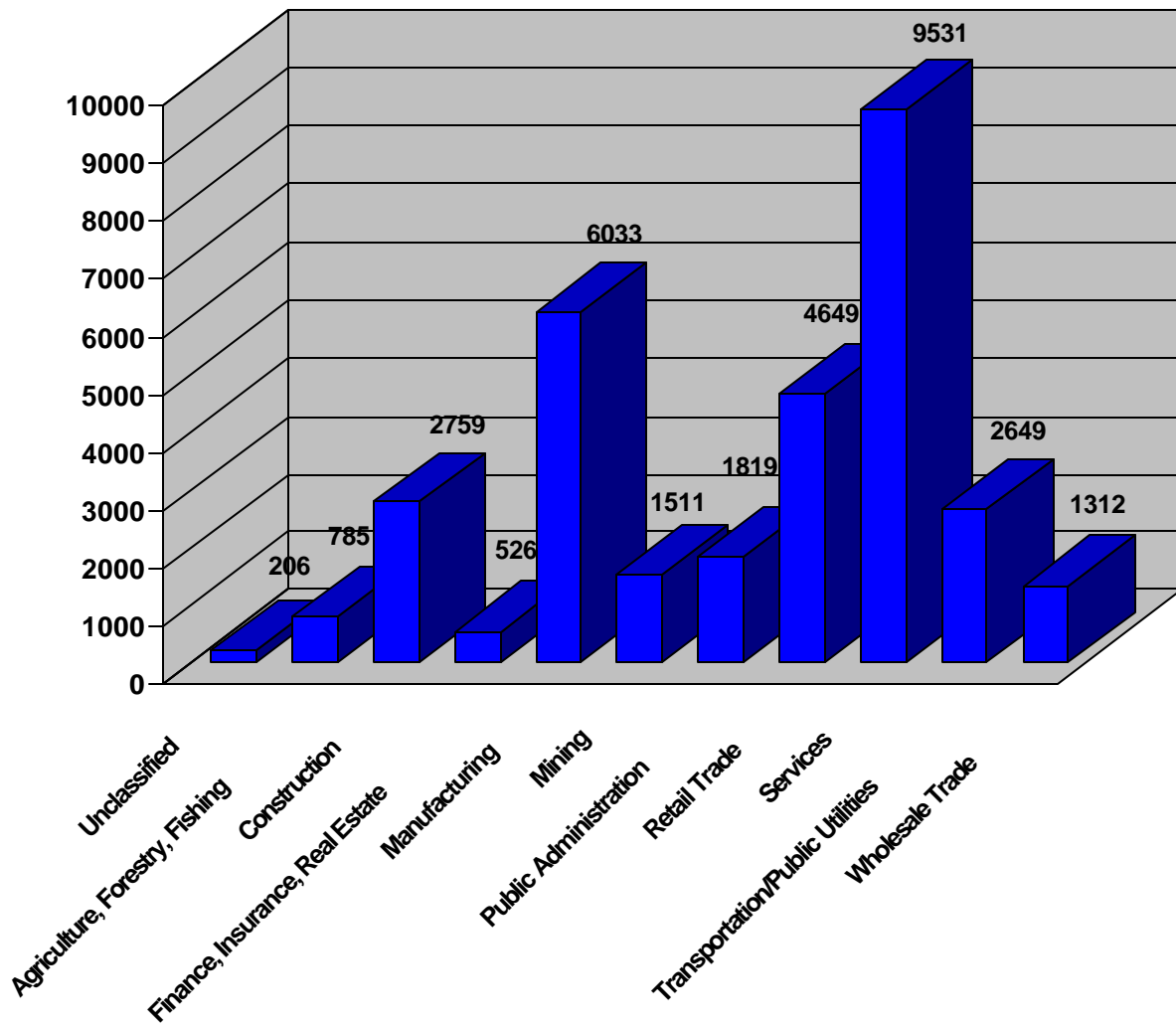
The three most common types of work-related injuries reported in fiscal year 2006-2007 were caused by falls (5,985), lifting (4,535) and strains (2,640).

## First Reports of Injury by Fiscal Year



97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07
46,866	47,121	44,092	39,589	36,479	35,016	35,015	36,986	33,633	31,780

## Distribution of Lost Time Injuries by Standard Industrial Classification



Review of the nature of injuries revealed that strains (11,703) and contusions (3,429) accounted for nearly half of all reported injuries. There were 2,338 fractures and 2293 lacerations reported. Sprains were reported in 1,997 of the injuries received by the Office of Workers' Claims.

Of the information that was reported to the Office of Workers' Claims, the low back area (including lumbar and lumbosacral) had the highest number of injuries (5,149). The second most commonly injured area

was multiple body parts including systems (3,645) and third was injuries to the knee (2,694). This closely mimics the lost time reports of the previous fiscal year.

### FYE 06 Lost Time Injuries by Nature

Injury	30,474
Other OD	1,112
Hearing Loss	110
CWP	84

## Workers' Compensation Claims

A workers' compensation claim in Kentucky originates when one of two things happens. A settlement document is filed to voluntarily resolve workers' compensation issues between parties; or a claim application is filed because the parties are not in agreement and the matter must be resolved by an Administrative Law Judge.

Workers' compensation claims are typically divided into two types; indemnity and medical-only. Indemnity claims are those for which income benefits are paid to compensate for lost wages, functional impairment or death. Medical service costs are paid in addition to income payments.

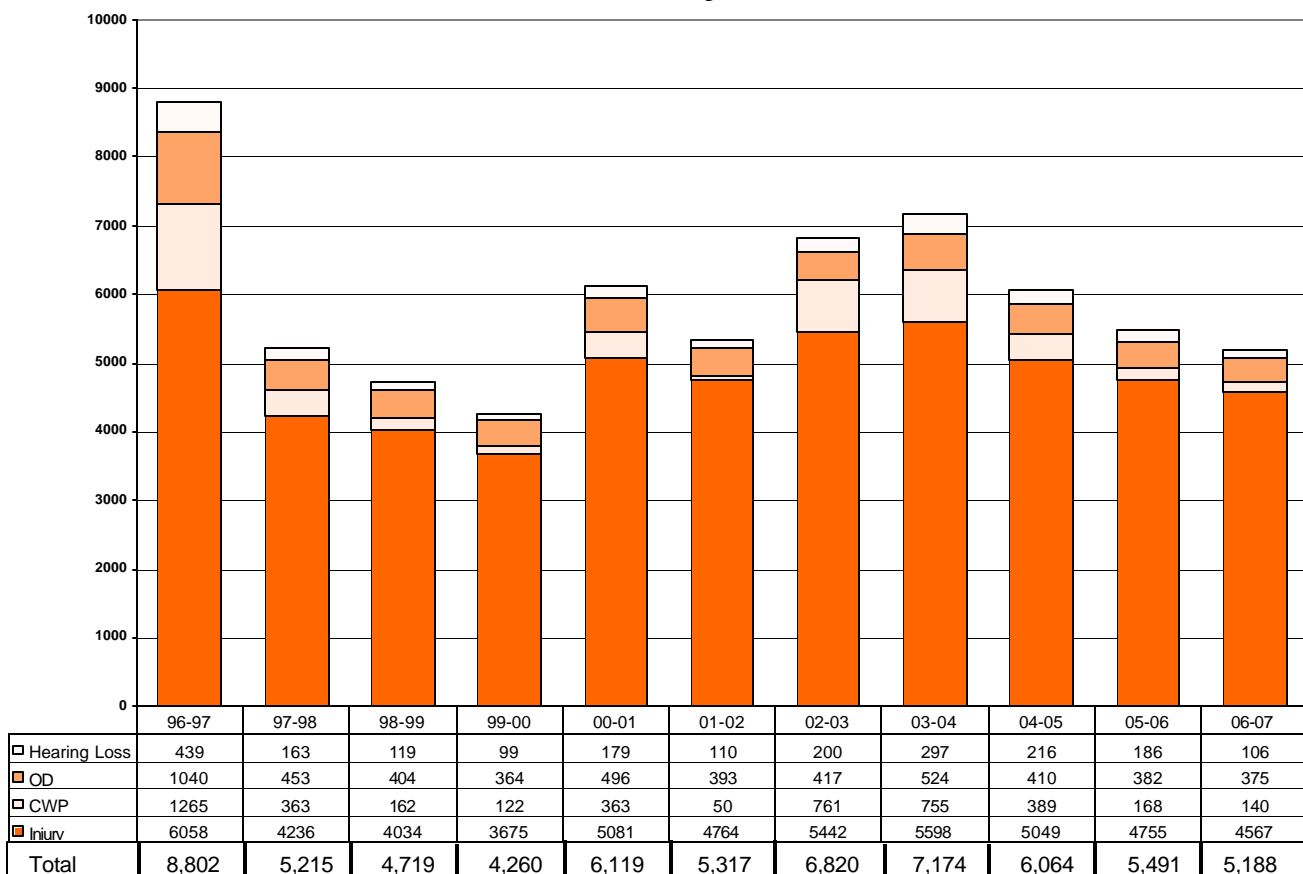
Most of the data in this report pertains to indemnity claims. Presently, there is no

statutory requirement stating that employers or their insurance carriers report medical-only injuries to OWC.

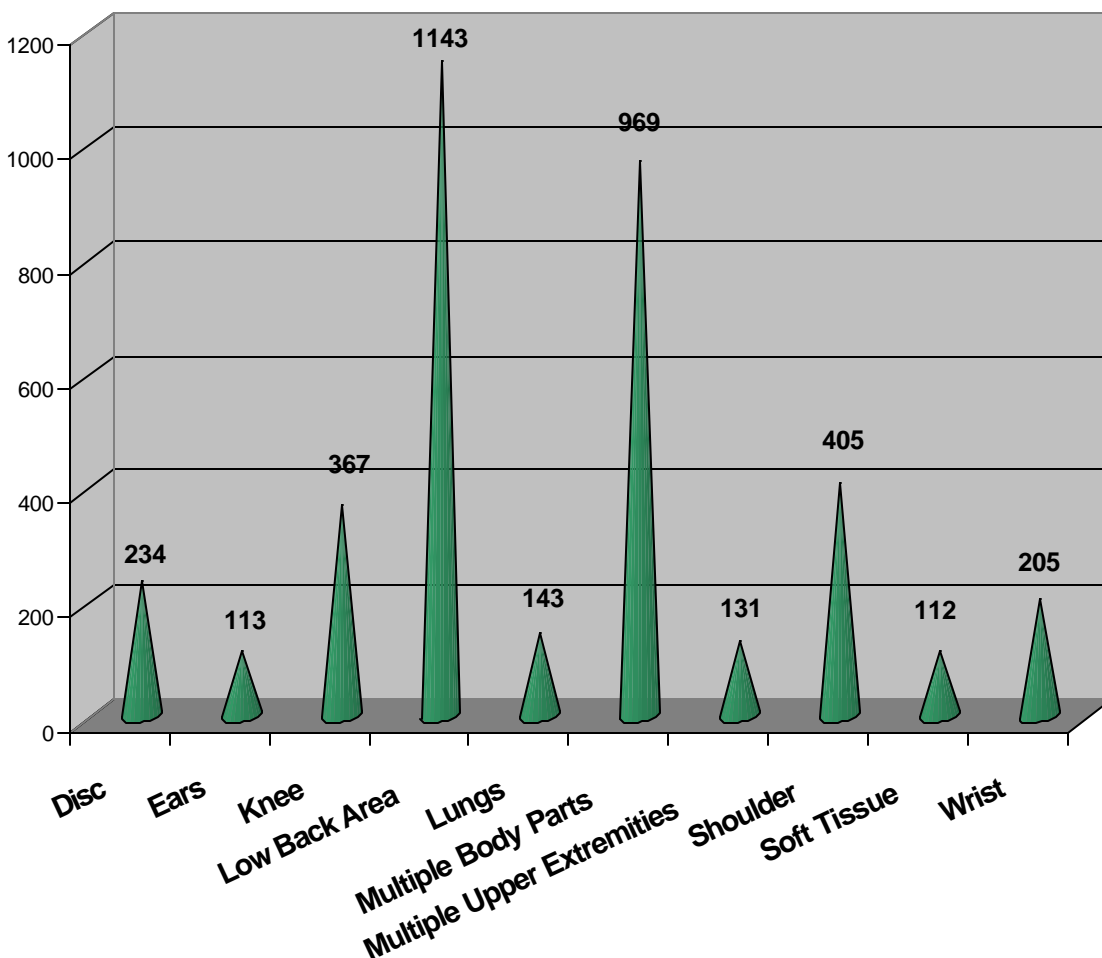
For an injury to be compensable, it must be a direct result of the employee's work. To be considered for temporary total income benefits, an injured worker must miss more than seven days of work. Medical-only claims are those where medical services are delivered but the employee does not qualify for income benefits.

In fiscal year 2006-2007, there were 5,188 requests for resolution of claims filed with the Office of Workers' Claims. This is the lowest number of claims since fiscal year 1999-2000.

### Claims Filed by Fiscal Year



## Distribution of Claims by Body Part Top Ten



Of the 5,188 claims that were filed this fiscal year, 1,843 claims were filed by females (36%) and 3,315 were filed by males (64%). There were 30 claims with no gender specified (less than 1%). The average age of those who filed claims with the OWC was 42 years.

The Standard Industrial Classification (SIC) category with the greatest number of claims filed was a tie between Manufacturing and Services (1,156). The remaining SIC categories had the following number of claims: Mining (731), Retail Trade (570), Construction (505),

Transportation/Public Utilities (501), Public Administration (203), Wholesale Trade (170), Finance, Insurance, Real Estate (74), Agriculture, Forestry, Fishing (64), and Unclassified (58).

In reviewing litigated injury claims, the three most common causes of injury during this reporting period were falls (957), lifting (862) and strains (447).



A Comparison by County Labor Force, Lost Time First Reports of Injury (FROI) and Litigated Claims FY 2006-2007					
County	Total Labor Force	FROIs	% of FROIs to Labor Force	Claims	% of Claims to FROIs
Adair	8,870	86	0.97%	18	20.93%
Allen	8,495	75	0.88%	12	16.00%
Anderson	10,936	110	1.01%	7	6.36%
Ballard	4,182	16	0.38%	5	31.25%
Barren	19,734	309	1.57%	30	9.71%
Bath	5,246	36	0.69%	6	16.67%
Bell	9,715	221	2.27%	62	28.05%
Boone	60,886	888	1.46%	96	10.81%
Bourbon	10,112	237	2.34%	21	8.86%
Boyd	23,634	494	2.09%	112	22.67%
Boyle	12,928	257	1.99%	45	17.51%
Bracken	4,488	14	0.31%	1	7.14%
Breathitt	5,720	72	1.26%	16	22.22%
Breckenridge	9,174	116	1.26%	8	6.90%
Bullitt	37,535	271	0.72%	41	15.13%
Butler	5,867	48	0.82%	5	10.42%
Caldwell	6,726	72	1.07%	13	18.06%
Calloway	18,134	227	1.25%	35	15.42%
Campbell	46,572	336	0.72%	34	10.12%
Carlisle	2,313	17	0.73%	0	0.00%
Carroll	5,779	106	1.83%	21	19.81%
Carter	13,887	115	0.83%	17	14.78%
Casey	7,544	49	0.65%	6	12.24%
Christian	27,471	511	1.86%	42	8.22%
Clark	17,698	334	1.89%	61	18.26%
Clay	7,190	82	1.14%	21	25.61%
Clinton	4,547	53	1.17%	5	9.43%
Crittenden	4,050	33	0.81%	6	18.18%
Cumberland	3,034	28	0.92%	6	21.43%
Daviess	47,750	638	1.34%	75	11.76%
Edmonson	5,639	18	0.32%	3	16.67%
Elliott	3,142	12	0.38%	2	16.67%
Estill	6,174	57	0.92%	7	12.28%
Fayette	151,282	2,680	1.77%	348	12.99%
Fleming	6,744	74	1.10%	9	12.16%
Floyd	15,418	417	2.70%	152	36.45%
Franklin	25,759	542	2.10%	86	15.87%
Fulton	2,956	49	1.66%	10	20.41%
Gallatin	4,081	37	0.91%	4	10.81%
Garrard	7,646	50	0.65%	3	6.00%
Grant	12,821	121	0.94%	10	8.26%
Graves	15,882	128	0.81%	24	18.75%
Grayson	11,700	140	1.20%	29	20.71%
Green	5,650	44	0.78%	3	6.82%
Greenup	17,656	152	0.86%	19	12.50%
Hancock	4,264	85	1.99%	11	12.94%
Hardin	48,208	538	1.12%	50	9.29%

<b>A Comparison by County Labor Force, Lost Time First Reports of Injury (FROI) and Litigated Claims FY 2006-2007</b>					
<b>County</b>	<b>Total Labor Force</b>	<b>FROIs</b>	<b>% of FROIs to Labor Force</b>	<b>Claims</b>	<b>% of Claims to FROIs</b>
Harlan	10,367	309	2.98%	122	39.48%
Harrison	9,075	85	0.94%	6	7.06%
Hart	7,861	82	1.04%	12	14.63%
Henderson	23,495	418	1.78%	42	10.05%
Henry	8,207	91	1.11%	11	12.09%
Hickman	2,082	19	0.91%	1	5.26%
Hopkins	23,736	347	1.46%	43	12.39%
Jackson	4,937	39	0.79%	13	33.33%
Jefferson	361,367	6,287	1.74%	937	14.90%
Jessamine	22,677	352	1.55%	41	11.65%
Johnson	9,694	164	1.69%	37	22.56%
Kenton	85,381	897	1.05%	112	12.49%
Knott	6,575	135	2.05%	65	48.15%
Knox	12,315	122	0.99%	24	19.67%
Larue	7,142	48	0.67%	5	10.42%
Laurel	26,149	399	1.53%	96	24.06%
Lawrence	5,878	79	1.34%	31	39.24%
Lee	2,805	53	1.89%	14	26.42%
Leslie	3,737	53	1.42%	26	49.06%
Letcher	9,221	199	2.16%	86	43.22%
Lewis	5,596	59	1.05%	5	8.47%
Lincoln	10,868	96	0.88%	12	12.50%
Livingston	4,887	104	2.13%	6	5.77%
Logan	12,527	118	0.94%	12	10.17%
Lyon	3,296	45	1.37%	8	17.78%
Madison	43,217	611	1.41%	88	14.40%
Magoffin	4,406	94	2.13%	25	26.60%
Marion	10,190	204	2.00%	18	8.82%
Marshall	14,939	153	1.02%	37	24.18%
Martin	3,653	139	3.81%	62	44.60%
Mason	8,779	113	1.29%	13	11.50%
McCracken	31,261	414	1.32%	73	17.63%
McCreary	10,559	56	0.53%	13	23.21%
McLean	4,807	32	0.67%	4	12.50%
Meade	12,560	87	0.69%	7	8.05%
Menifee	2,738	24	0.88%	5	20.83%
Mercer	10,597	142	1.34%	15	10.56%
Metcalfe	4,554	24	0.53%	4	16.67%
Monroe	5,124	61	1.19%	12	19.67%
Montgomery	12,198	218	1.79%	39	17.89%
Morgan	5,076	54	1.06%	7	12.96%
Muhlenberg	13,078	169	1.29%	18	10.65%
Nelson	21,359	240	1.12%	33	13.75%
Nicholas	2,984	23	0.77%	2	8.70%
Ohio	11,964	125	1.04%	13	10.40%

A Comparison by County Labor Force, Lost Time First Reports of Injury (FROI) and Litigated Claims FY 2006-2007					
County	Total Labor Force	FROIs	% of FROIs to Labor Force	Claims	% of Claims to FROIs
Oldham	27,333	169	0.62%	24	14.20%
Owen	5,209	46	0.88%	1	2.17%
Owsley	1,580	20	1.27%	5	25.00%
Pendleton	7,633	36	0.47%	5	13.89%
Perry	11,638	321	2.76%	101	31.46%
Pike	25,412	690	2.72%	318	46.09%
Powell	5,574	59	1.06%	15	25.42%
Pulaski	27,449	682	2.48%	83	12.17%
Robertson	1,050	4	0.38%	0	0.00%
Rockcastle	7,644	71	0.93%	11	15.49%
Rowan	12,309	133	1.08%	23	17.29%
Russell	8,130	110	1.35%	18	16.36%
Scott	23,006	811	3.53%	104	12.82%
Shelby	20,876	262	1.26%	49	18.70%
Simpson	9,020	189	2.10%	22	11.64%
Spencer	8,606	33	0.38%	2	6.06%
Taylor	13,488	162	1.20%	18	11.11%
Todd	5,034	31	0.62%	2	6.45%
Trigg	6,720	70	1.04%	8	11.43%
Trimble	4,534	23	0.51%	4	17.39%
Union	7,207	85	1.18%	19	22.35%
Warren	57,909	804	1.39%	100	12.44%
Washington	5,417	90	1.66%	9	10.00%
Wayne	8,804	90	1.02%	8	8.89%
Webster	6,802	110	1.62%	17	15.45%
Whitley	15,446	372	2.41%	60	16.13%
Wolfe	2,332	58	2.49%	10	17.24%
Woodford	13,760	344	2.50%	31	9.01%
Out of State		1,207		248	20.55%
Unknown		120		21	17.50%
Grand Total	2,059,079	31,780	1.54%	5,188	16.32%

Workforce Data provided by the Department of Workforce Investment.

Agriculture is included in the total labor force numbers.

Unknown numbers are due to insufficient reporting information.

# Work-Related Fatalities

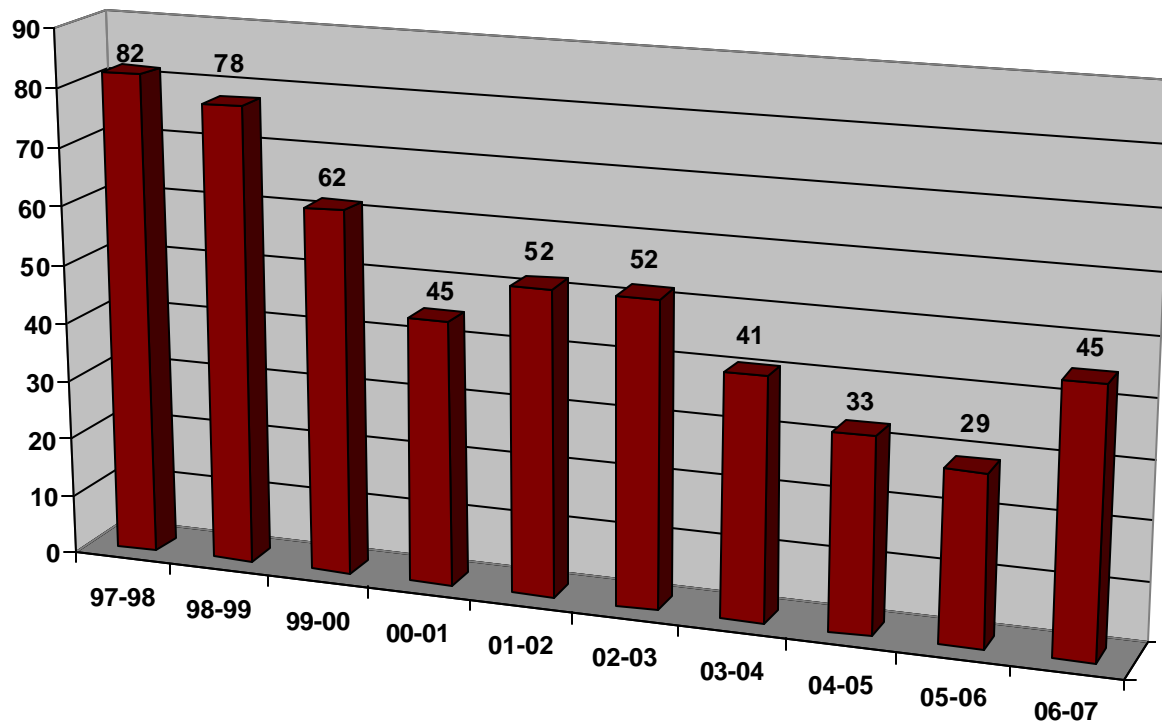
There were 125 reports of workplace fatalities reported to the Office of Workers' Claims during this fiscal year. However, after investigation, 45 of the deaths were determined to be work-related. Those remaining have been ruled not work-related (36), not a Kentucky claim (1), death falling outside the reporting period (30) or contain issues which have the case in a pending status (13).

During this time period, the youngest of the casualties was a 15 year old male. A 77 year old male was the oldest worker who was fatally injured in a motor vehicle accident. The most common causes of death this fiscal year were motor vehicles (21) and falls (16).

Occupations of these workers ranged from mining machine operators to truck drivers and couriers, construction laborers to electricians and plumbers.

The Construction industry had the most fatalities reporting 13 deaths. This was followed by Transportation/Public Utilities (8), Manufacturing (7), Mining (7), Public Administration (4), Services (3), Retail Trade (2), and Finance, Insurance, Real Estate (1). There has been increased safety education programs as well as collaborative investigative efforts between OSHA and the OWC specialists to aid in the reduction of work-related deaths.

## Work-Related Fatalities





# Fiscal Performance

The entirety of the funding for the Office of Workers' Claims comes from a special fund assessment imposed upon the amount of workers' compensation premiums received by every insurance carrier writing workers' compensation insurance in the Commonwealth, and against the simulated premium of every employer carrying its own risk. This is collected by the Workers' Compensation Funding Commission (KRS 342.122). These funds are restricted and no general fund dollars are appropriated for OWC operations.



# OWC PERSONNEL AD BUDGET HISTORY

FY 1991-92 through FY 2006-07

FISCAL YEAR	PERSONNEL CAP	PERSONNEL ACTUAL	BUDGET ALLOTMENT (\$)	ACTUAL EXPENDITURES (\$)	DIFFERENCE (\$)	PERCENT of BUDGET EXPENDED
2006-2007	184	167	10,211,700	9,840,070	(371,630)	96.4%
2005-2006	173	156	11,093,300	10,634,776	(458,524)	95.9%
2004-2005	173	163	9,498,700	9,182,865	(315,834)	96.7%
2003-2004	195	188	13,649,200	10,735,937	(2,913,263)	78.7%
2002-2003	242	201	16,397,700	13,384,935	(3,012,765)	81.6%
2001-2002	242	204	15,806,800	13,373,836	(2,432,963)	84.6%
2000-2001	242	208	14,942,300	12,716,927	(2,258,373)	85.1%
1999-2000	268	207	15,637,000	12,387,288	(3,249,712)	79.2%
1998-1999	268	208	14,994,000	12,606,188	(2,387,812)	84.1%
1997-1998	272	227	15,182,500	12,588,527	(2,593,973)	82.9%
1996-1997	272	229	12,137,900	11,057,391	(1,080,509)	91.0%
1995-1996	207	138	9,822,200	9,479,970	(342,230)	96.5%
1994-1995	210	120	9,757,200	8,586,716	(1,170,484)	88.0%
1993-1994	167	159	7,860,000	7,337,688	(522,312)	93.4%
1992-1993	167	160	7,505,100	7,004,561	(500,539)	93.0%
1991-1992	153	150	6,901,600	6,497,815	(403,785)	94.0%

This does not include employees with the Workers' Compensation Board, which is attached to the Office of the Secretary; or General Counsel, which is attached to the Office of Legal Services. The creation of these two sections was effective March 16, 2007.

Pursuant to EPPC Administrative Order #2007-003, the following changes were made within the Department of Labor and the Office of Workers' Claims: Effective March 16, 2007, the Technical Support Section and Design & Development Section were transferred laterally from the Department of Labor's Information and Technology Branch to the Office of Workers' Claims. As a result, the agency position allotment was increased by 11 positions from 173 to 184.

# Programs and Performance



## Office of Administrative Services

The Office of Administrative Services is detached from the Office of Workers' Claims due to the Governor's reorganization. However, their responsibilities include ensuring all financial transactions and personnel actions comply with applicable laws and regulations, are executed in a timely manner, are properly documented and allocated to the appropriate program budget unit. Some of the functions that Administrative Services perform include: managing and executing the annual budget and all contracts and leases; responding to all requests for publications and forms; processing all incoming and outgoing mail; procuring supplies and equipment; maintaining infrastructure for 15 agency locations; coordinating OWC training; and providing daily assistance to all divisions of the Office of Workers' Claims. The following publications are made available by the OWC:

Medical Fee Schedule for Physicians  
Executive Director's Report on "B" Readers  
Workers' Compensation Posting Notice  
Life Expectancy Tables  
Rehabilitation Pamphlet  
Compliance Inspection Pamphlet  
List of "B" Readers for CWP  
Acute Low Back Pain Booklet

Workers' Compensation Forms  
Hospital Fee Schedule  
Annual Report  
Benefits Schedule  
Quarterly Report  
Present Worth Table  
Workers' Compensation Guidebook



The following page contains forms that may be requested through Administrative Services or by accessing the Office of Workers' Claims Web site at <http://www.labor.ky.gov/workersclaims>. The only exception to this is the Form 4 which can only be obtained by contacting Administrative Services.



# Forms

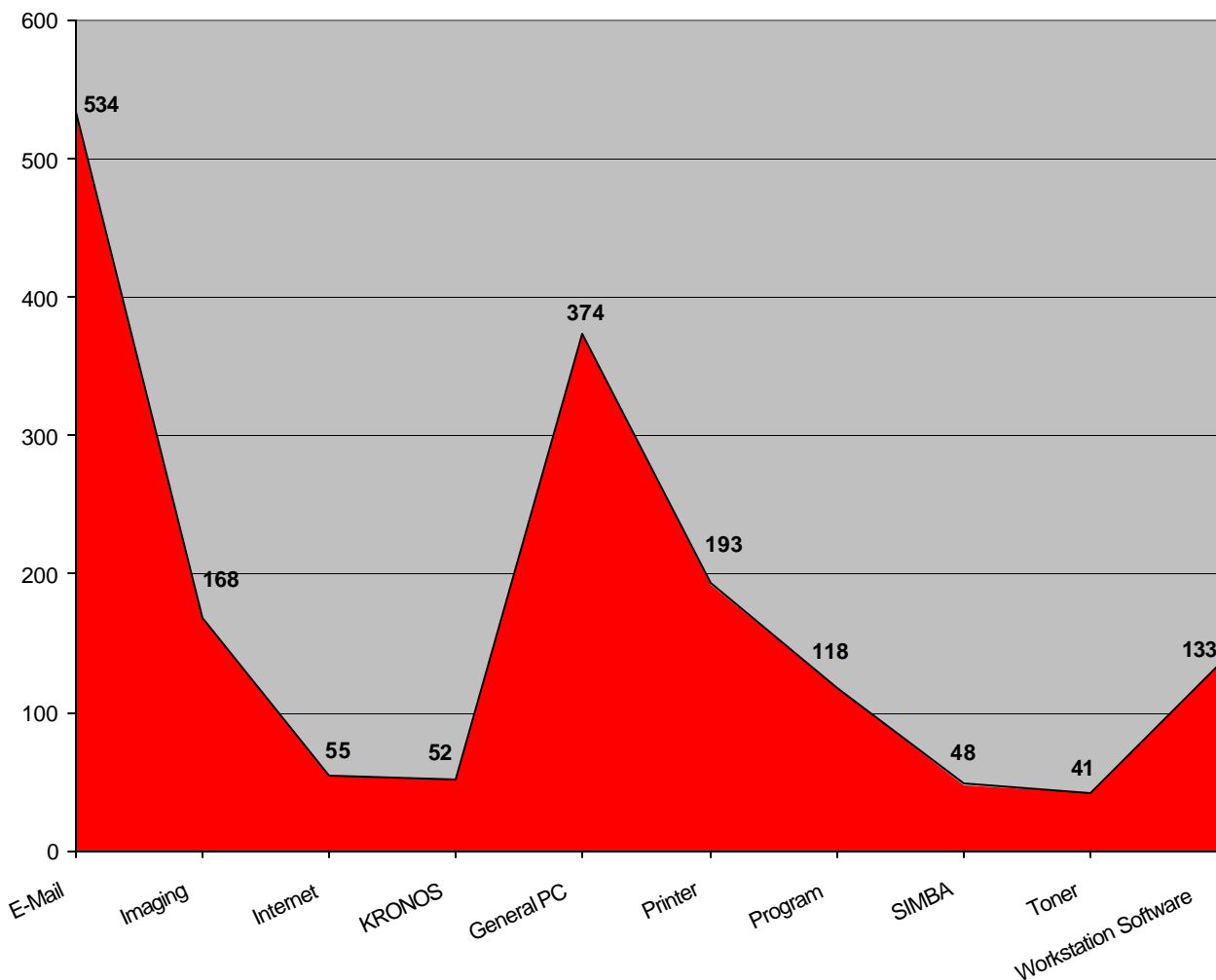
Kentucky Workers' Compensation Act Notarized Affidavit of Exemption by Building Contractor (Corporate or Partnership)	Affidavit of Building Contractor (declaring no employees) which is filed with local building permit
Kentucky Workers' Compensation Act Notarized Affidavit of Exemption by Building Contractor (Individual)	Affidavit of Building Contractor (declaring no employees) which is filed with local building permit office
Form MTR-2	Motion to Reopen KRS 342.732 Benefits
Form 110-CWP	Agreement as to Compensation and Order Approving Settlement for Coal Workers' Pneumoconiosis
Form 102-CWP	Application for Resolution of Coal Workers' Pneumoconiosis Claim
Educational Release Form	Authorization for Release of Educational Information
Form IA-1	Workers' Compensation-First Report of Injury or Illness
Form IA-2	Workers' Compensation-Subsequent Report
Form Hearing Loss Stipulation	Workers' Compensation-Hearing Loss
Form Injury Stipulation	Workers' Compensation-Injury Stipulation
Form Occupational Disease Stipulation	Workers' Compensation-Occupational Disease Stipulation
Form 101	Application for Resolution of Injury Claim
Form 102	Application for Resolution of Occupational Disease Claim
Form 103	Application for Resolution of Hearing Loss Claim
Form 104	Plaintiff's Employment History
Form 105	Plaintiff's Chronological Medical History
Form 106	Medical Waiver and Consent Form
Form 107-I	Physician's Medical Report-Injury
Form 107-P	Physician's Medical Report-Psychological
Form 108-CWP	Physician's Medical Report-Occupational Disease
Form 108-HL	Physician's Medical Report-Hearing Loss
Form 108-OD	Physician's Medical Report-Occupational Disease
Form 109	Attorney Fee Election
Form 110-I	Agreement as to Compensation and Order Approving Settlement-Injury
Form 110-O	Agreement as to Compensation and Order Approving Settlement-Occupational Disease
Form III-I-HA	Notice of Claim Denial or Acceptance-Injury and Hearing Loss
Form 111-OD	Notice of Claim Denial or Acceptance-Occupational Disease
Form 112	Medical Dispute
Form 113	Notice of Designated Physician
Form 114	Request for Payment for Services or Reimbursement for Compensable Expenses
Form 115	Social Security Release Form
Form 120 EX	Request for expedited determination of medical issue
Form AWW-1	Average Weekly Wage Certification
Form 150	Workers' Compensation Statistical Report
Form 375	Application for Split Coverage
Form EL1 and EL2	Employee Leasing Company Registration Form
Form 375 Wrap-up	Application for Split Coverage (Wrap-up)
Form 11	Motion to Substitute Party and Continue Benefits
Form MAO	Medical Fee Dispute and Mediation
Manual Change Form	Request for Manual Changes
Form 110-F	Agreement as to Compensation and Order Approving Settlement-Fatality
Form SI-01	Self-Insurers' Guarantee Agreement
Form SI-02	Self-Insurance Application
Form SI-02 Attachment	Self-Insurance Application Attachment
Form SI-03	Continuous Bond
Form SI-03 Attachment	Surety Rider
Form SI-04	Letter of Credit
Form SI-08	Loss Report
Managed Care - UR Form	Managed Care - UR Form
Service Contract Agreement	Service Contract Agreement
Form MTR-1	Motion to Reopen by Employee
Form MTR-3	Motion to Reopen by Defendant

# Technical Support & Design and Development

The Technical Support & Design and Development Section responds to all technical, networking and programming needs for the Office of Workers' Claims. Technical Support staff performed many routine tasks ranging from loading software applications and security patches, setting up audio visual equipment, assisting with presentations, loading critical updates, and a wide range of other technical issues during this time period. Staff coordinated equipment moves for various sections including fax machines, printers, field offices networks, workstations, scanners, microfilm equipment and telephone extensions.

In addition to duties often associated with technical support, researching a variety of new equipment and products was necessary to ensure to OWC's technical needs are addressed. The following are examples of research topics reviewed during FY 2006-2007: scanners, microfilm equipment, microfilm conversion issues, VOIP, Nortel equipment, virtual servers, SAN/SUS servers, UPS.com, equipment replacement, Office XP issues and Filenet upgrades.

**Top Ten Helpdesk Requests FY 2006-2007**



The **Design and Development Section** consists of 6 staff members and meets the specific needs of the Office of Workers' Claims by actively developing, programming and maintaining in-house programs utilizing C#, .Net, Active Server Pages (ASP) and Structured Query Language (SQL). Design and Development maintains the Electronic Data Interchange (EDI) and Proof of Coverage (POC) programs and ensures these programs meet the International Association of Industrial Accident Boards & Commissions (IAIABC) standards with regards to



submitting First Reports of Injury (FROI), Subsequent Reports of Injury (SROI) and Proof of Coverage (POC) data electronically from approved Trading Partners. Design and Development staff researches, analyzes and tracks user request for new programs and meets with management and staff looking for ways of improving current processes. Design and Development staff supplies statistical information to management when requested, including monthly, quarterly and annual reports associated with the section's activities. Staff is

responsible for database backups, disaster recovery and optimizing performance of SQL servers. Staff enters and/or deletes user security permissions for SQL server security. Staff conducts training on new and updated programs upon request.

This fiscal year, section staff completed 99 test track issues, fixed 42 issues – awaiting policy driven and received 205 new test track issues for the year. Design and Development staff met with several sections to get input on new development of policy driven projects. Staff continues to work on enhancements to the Electronic Data Interchange (EDI) applications, which is the primary way data is introduced into SIMBA from outside entities.

In addition to EDI and POC, Design and Development staff works with the Server based System for Information Management and Business Administration (SIMBA). SIMBA is used internally to record and store all data as it relates to work related injuries and exposures, and coverage. Staff creates and redesigns SIMBA screens and ensures they enable the workflow to function in a higher capacity. Design and Development staff creates letterhead templates to be utilized within SIMBA when letters are electronically generated and sent out to various parties. Design and Development staff will be redesigning Rehab (tracking system for injured workers who are being trained in another trade), RFA (Request For Assistance – call history related to constituent workers' compensation issues), Docket (Administrative Law Judge's scheduling program), and PrintQue (files sent from SIMBA to FileNet, at the Department of Labor, are accessed via PrintQue). Design and Development staff is researching ways to move SIMBA to the Internet so that the Office of Workers' Claims can more efficiently serve its trading partners.

## Office of General Counsel

The Legal Services Division is a division of the Environmental and Public Protection Cabinet, Office of Legal Services. However, the responsibilities of the legal services division during this reporting period was to provide legal support services to the Office of Workers' Claims in numerous legal capacities. The office advises the executive director's office as to responsibilities with regard to personnel actions under KRS Chapter 18A, and defends the agency against any actions, personnel or otherwise, that are filed against the office. Additionally, the legal services division has responsibility for promulgating regulations required of the office and drafting and reviewing legislation. The office provides assistance to the Enforcement Branch in ensuring compliance with workers' compensation laws for imposition of injunctions and fines against employers who neglect or refuse to provide workers' compensation coverage for their employees. In circumstances where an employee is injured and their employer has failed to provide insurance coverage, liens are filed against assets of uninsured employers pursuant to KRS 342.770. The office is

responsible for reviewing open records requests in compliance with the state's open records law. The office works closely with the Division of Workers' Compensation Specialists and Ombudsman in investigating unfair claims practices, and is responsible for issuing citations and representing the office at hearings when it has been determined that an unfair claims practice has occurred.

During this past fiscal year, the Legal Services Division collected approximately \$1,231,124.45 in fines and penalties. The office received 789 citation cases, 37 unfair claims settlement practice cases and 12 new fraud cases. This office has filed

restraining orders and collection actions in circuit court, held formal hearings and show cause hearings before administrative law judges and drafted agreed orders for settlements with regard to the above cases. The Legal Services Division has also represented the agency, more specifically the Security and Compliance Division, with regard to self-insurance audits and legal issues and/or bankruptcy proceedings. The current economy has forced more companies into bankruptcy and/or reorganization.





## Administrative Law Judges

The Office of Workers' Claims has 19 Administrative Law Judge (ALJ) positions allocated, 16 of which are currently filled. Each ALJ is appointed by the Governor for a four year term from a list of three names submitted by the Workers' Compensation Nominating Commission. Each ALJ is subject to confirmation by the Kentucky State Senate. One of the ALJs is designated Chief Administrative Law Judge pursuant to KRS 342.230(8).

### Chief Administrative Law Judge

Honorable Sheila C. Lowther, chief administrative law judge, is assigned to the Frankfort, Kentucky office. Judge Lowther was reappointed as of 1/1/04. The Chief Administrative Law Judge (CALJ) presides over a motion docket one day each week, a settlement docket twice each week and a CWP docket one day each week. The CALJ prepares a rotation schedule for the ALJs, plans two adjudicator training sessions annually, conducts enforcement hearings, takes initial assignment of all CWP claims, covers dockets for other ALJs on an emergency basis and coordinates all ALJ activity.



Sheila Lowther, Chief Administrative Law Judge  
 B. A., Political Science, 1977, Transylvania University  
 J. D., 1980, University of Kentucky  
 Appointment date as Administrative Law Judge: May 1, 1995  
 Appointment date as Chief Administrative Law Judge: January 1, 1999



Scott Borders

B.A, Business Administration, 1984,  
University of Kentucky  
J.D., 1987, Salmon P. Chase College of Law  
Appointment date: December 7, 2001



John Coleman

B.A., 1986, Morehead State University  
J.D., 1992, Salmon P. Chase College of Law  
Appointment date: January 1998



Chris Davis

B.A., 1994, University of Kentucky.,  
J.D., 1998, University of Kentucky  
L.L.M., 2000, Loyola Chicago  
Appointment date: January 12, 2007



Thomas Davis

B.A., 1971, University of Louisville  
J.D., 1974, University of Louisville  
School of Law  
Appointment date: July 2004

# Administrative Law Judges



Howard Fraiser  
B. A., 1984, David Lipscomb College  
J.D., 1987, University of Kentucky  
College of Law  
Appointment date: February 12, 2004



Richard Joiner  
B.A., Economics, 1972,  
University of Michigan  
J.D., 1975, University of Kentucky  
Appointment date: September 18, 2001  
Reappointed in 2004



James Kerr  
B.A. ,1973, Northern Kentucky University  
M.B.A., 1975, Xavier University  
J.D.,1983, Salmon P. Chase College of Law  
Ed.D., 1983, University of Cincinnati  
Appointment date: May 1, 1992



Andrew Manno  
B. A., Journalism/Political Science, 1989,  
University of Kentucky  
J. D., 1992, University of Kentucky College of  
Law  
Appointment date: July 14, 2004





J. Landon Overfield  
 B. A., Political Science, 1970,  
 University of Kentucky  
 J.D., 1972, University of Kentucky  
 Appointment date: November 15, 1994



Grant Roark  
 B.S., 1992, University of Kentucky  
 J.D., 1995, University of Louisville  
 College of Law  
 Appointment date: February, 2004



Lawrence F. Smith  
 B.S. Ed, 1970, Ohio University  
 J.D., 1973, Case Western Reserve University  
 School of Law  
 Appointment date: December 15, 2003



Marcel Smith  
 B.A., 1982, Eastern Kentucky University  
 J.D., 1985, University of Tennessee  
 Appointment date: January 1, 2004

# Administrative Law Judges



Irene Steen  
B.S., Medical Technology, 1972,  
University of Kentucky,  
J.D., 1975, University of Kentucky Law School.  
Appointment date: May 1990



Donna Terry  
B.A., 1970, University of Kentucky  
J.D., 1972, University of Kentucky  
Appointment date: April 15, 1988



John W. Thacker  
B.A., 1974, Morehead State University  
J.D., 1991, Salmon P. Chase College of Law  
Appointment date: July 2004



## Administrative Law Judge Activity

Under the guidance and supervision of the Chief Administrative Law Judge, the ALJs oversaw the adjudication of claims filed with the Office of Workers' Claims. The ALJs are required to conduct benefit review conferences and formal hearings in these claims. Thereafter, they are required to issue decisions in the claims within 60 days after the date of the hearing. These decisions must contain findings of fact and rulings of law and are subject to appeal to the Workers' Compensation Board, Court of Appeals and the Supreme Court.

Benefit review conferences and hearings are held at the 12 hearing sites in Kentucky maintained by the Office of Workers' Claims. These hearing sites are located in Ashland, Bowling Green, Florence, Hazard, Lexington, London, Louisville, Madisonville, Owensboro, Paducah, Pikeville and Pineville.

During the past fiscal year, the ALJs presided at 4,879 benefit review conferences. A substantial number of those cases were settled. Formal hearings were held in the remainder. The ALJs presided at 2,121 formal hearings. They issued 1,869 opinions and issued an additional 100 opinions in cases which were remanded on appeal. The ALJs also participated in two training sessions and attended and/or spoke at numerous seminars about the Kentucky Workers' Compensation Program.

### Attorney Fees Awarded During FY 2006-07

	Number of Fees Approved	Total Fees Awarded	Average Fee
Plaintiff	4,368	\$18,910,444.75	\$4,329.31
Defense	3,698	\$13,487,083.99	\$3,647.13

## Summary of FY 06-07 Worker's Compensation Cases

### **Howes v. Kentucky Bar Association, 214 S.W.3d 319 (Ky. 2007)**

#### **Subject: Attorney Fees**

An attorney's conduct in sending letters to his clients' treating physicians attempting to charge the physicians a recovery fee for having successfully represented the clients in medical fee disputes violates the Rules of Professional Conduct.

### **Adams v. NHC Healthcare, 199 S.W.3d 163 (Ky. 2006)**

#### **Subject: Calculation of Benefits and Social Security**

An award of PPD benefits multiplied by 2 (instead of 3) was appropriate because the evidence established that the claimant would be able to return to regular employment at the same or greater wages than he earned at the time of his injury. In finding the claimant to be partially disabled (instead of totally disabled), the ALJ did not err in refusing to consider information regarding a Social Security determination.

### **FEI Installation, Inc. v. Williams, 214 S.W.3d 313 (Ky. 2007)**

#### **Subject: Medical Expenses and TTD**

A claimant may be entitled to future medical benefits for an injury even though he has reached MMI and does not have a permanent impairment rating under the AMA guides that would entitle him to an award of permanent disability benefits. The overwhelming evidence compels an award of TTD benefits because the claimant's release to one-handed duty did not allow him to perform his customary work.

### **Finley v. DBM Technologies, 217 S.W.3d 261 (Ky. App. 2007)**

#### **Subject: Pre-Existing Condition**

The employer is liable for all disability resulting from a work related injury and the arousal of a pre-existing dormant abnormality (scoliosis) by the injury.

### **Bullock v. Goodwill Coal Company, 214 S.W.3d 890 (Ky. 2007)**

#### **Subject: Procedure - Petition for Reconsideration and Appeal**

The failure to file a petition for reconsideration before filing the appeal was not fatal to the appeal because the ALJ failed to either give the clinical findings and opinions of the university evaluator's report presumptive weight or reject them, and KRS 342.281 would not have permitted the merits to be reconsidered in light of the report.

### **Dollar General Partners v. Upchurch, 214 S.W.3d 910 (Ky. App. 2007)**

#### **Subject: Retaliatory Discharge**

In violation of KRS 342.197, a workers' compensation claimant was discharged in retaliation for filing a workers compensation claim. Such entitles the claimant to a recovery for "actual damages", which may include back pay and front pay but not punitive damages.

**Bishop v. Manpower Inc., 211 S.W3d 71 (Ky. App. 2006)**

**Subject: Retaliatory Discharge**

Recovery in Circuit Court for retaliatory discharge under KRS 342.197 is limited to actual damages. Recovery of punitive damages is not allowed.



**Ferry v. Cundiff Steel Erectors, Inc., 218 S.W.3d 390 (Ky. App. 2007)**

**Subject: Retaliatory Discharge**

In violation of KRS 342.197, a workers' compensation claimant was discharged in retaliation for filing a workers compensation claim. Such entitles the claimant to a recovery for "actual damages", which may include front pay (future wages). The collateral source rule applies to prohibit reducing the claimant's back pay award by the amount of union disability pension benefits received.

**Farris v. City of Louisville, 209 S.W.3d 486 (Ky. App. 2006)**

**Subject: Reopening**

The ALJ denied a motion to reopen because the claimant did not make a prima facie showing of an increased impairment rating. The Court of Appeals reversed, holding that "impairment" and "impairment rating" are not synonymous, and that the claimant must present evidence of an increased impairment, not evidence of an increased impairment rating.

**Continental General Tire v. Looper, 211 S.W.3d 78 (Ky. App. 2006)**

**Subject: Reopening**

Following a joint motion, the ALJ approved a reduction of an award pursuant to an agreement they had allegedly been reached before the ALJ rendered the award. The claimant thereafter complained to his attorney that the attorney did not have authority to seek a reduction of the award. Upon claimant's attorney motion to reopen to correct a mistake, the ALJ set aside the reduction of the award. The ALJ's actions were upheld, with the Court noting the lack of claimant's signature on the agreement and the lack of consideration for the reduction.

**Colwell v. Dresser Instrument Div., 217 S.W.3d 213 (Ky. 2007)****Subject: Reopening**

The Supreme Court determined that, because KRS 342.125(1)(d) requires only a “worsening of impairment,” the claimant was not required to prove a greater permanent impairment rating in order to receive permanent total disability benefits at reopening. Her burden was to prove by objective medical evidence that she sustained a worsening of impairment from the injury; to prove that the change was permanent; and to prove that it caused her to be totally and permanently disabled under the standards described in KRS 342.0011(11)(c).

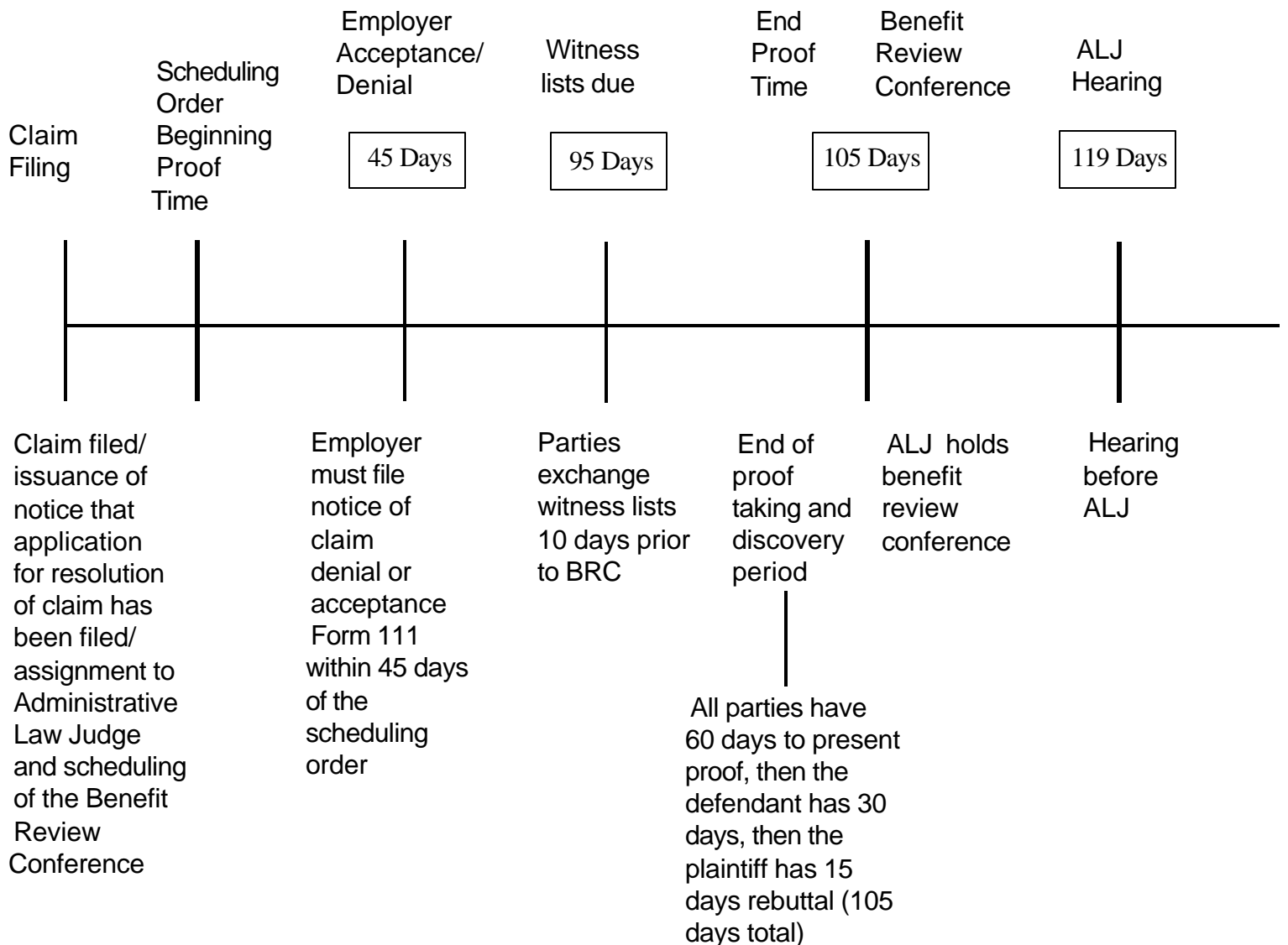
**Manalapan Mining Co. Inc. v. Lunsford, 204 S.W.3d 601 (Ky. 2006)****Subject: Statute of Limitations and Hearing Loss**

In a hearing loss claim, the statute of limitations expires two years from the date of last exposure or the date the claimant became aware that he had a work-related hearing loss, whichever is later. KRS 342.185 is a statute of limitations and a statute of repose in hearing loss claims; therefore, such a claim may expire before the worker is aware of the injury.

**Abbot Laboratories v. Smith, 205 S.W.3d 249 (Ky. App. 2006)****Subject: Work Relatedness**

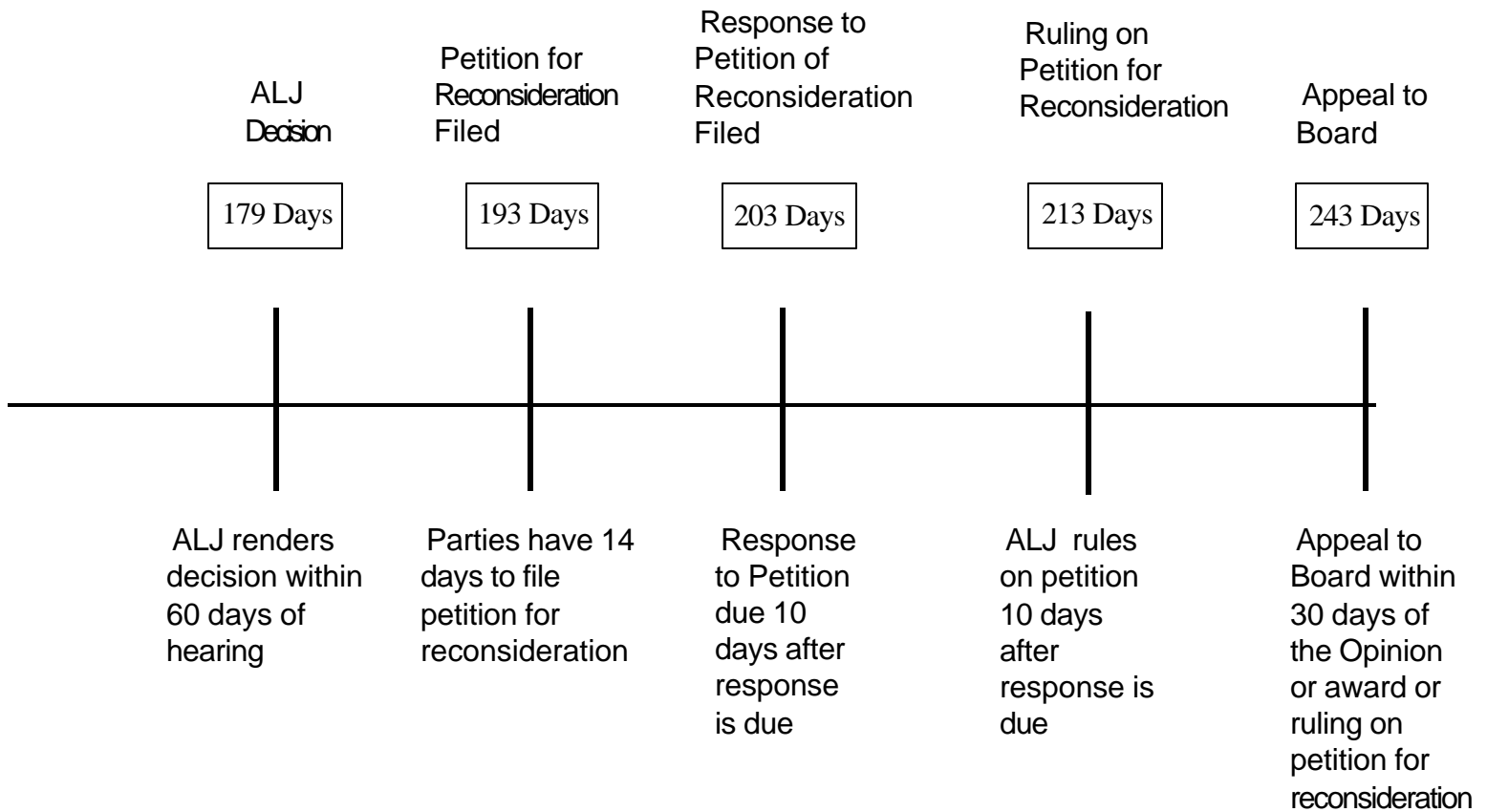
The claimant’s travel from a restaurant to his home after a 12 hour workday was not a distinct departure from the normal course of the employer’s business and his travel continued to be for the convenience of the employer, and thus, the claimant’s fatal injuries in a car accident on his way home from the restaurant were compensable. The phrase “in the course of employment” refers to the time, place and circumstances of the accident, and the phrase “arising out of employment” related to the cause or source of the accident.

# Kentucky Workers' Adjudication





# Compensation Timeline



# Claims Processing & Appeals



The Division of Claims Processing and Appeals wishes to take the mystery out of the claims process and to continually improve our services. In an effort toward these goals, we have updated the Web site, <http://www.labor.ky.gov/workersclaims/claimsprocessing/>; to illustrate a directory of our division when callers or e-mailers need assistance; to provide an overview of each section denoting their specific

duties; to summarize the most frequently asked questions; and to make available the necessary forms for filing.

In fiscal year 2006-2007, we implemented a daily Frankfort Agreement Docket to expedite the settlements and fees that pass through this area. Additionally, the individual sections that make up our division have less defined lines now with assistance being offered to the division as a whole for the very busy times.

We are working to do our part to lessen the stress for the worker and employer, decrease the time for processing, increase the efficiency, help with the mystery and finish the course.



Barbara Mook, Director

# Claims Processing & Appeals

**Our Division of Claims Processing and Appeals** is not only the beginning point for disputed claims, but also for the many transactions that must occur on the claim's path to resolution, as well as the resting place or conclusion of the closed file.

Within this Division, the **Claims Processing Branch** is charged with the timely processing and assignment of applications for resolution – from an injury; an occupational disease including pneumoconiosis; a hearing loss; a chiropractic peer review; an order for an attorney fee; to an official agreement/settlement of any type. Furthermore, arrangements for the Benefit Review Conferences with each of the sixteen Administrative Law Judges; the scheduling of the Court Reporters; the maintenance of the Frankfort Motion Docket for the Chief Administrative Law Judge; the medical fee disputes/reopenings; and, the auditing as well as the purging of the resolved files are just some of the additional responsibilities performed.



Our **Appeals Section** is the other major area of concentration within this Division. The final awards, orders and decisions from the Administration Law Judges that are challenged must pass through this section to verify timeliness of filings, completeness of records, indexing, scheduling and certification - all in preparation for the Workers' Compensation Board's (WCB) review and judgment. If the appeal continues, then section staff readies the files for the Court of Appeals and if necessary, the Supreme Court as well. These motions are tracked daily and the docket is prepared weekly. All decisions, opinions and orders originating from the WCB, the claims routed to the Court of Appeals or to the Supreme Court are all catalogued into their database to ensure timeliness and accurate record keeping.

**The Claims Processing Branch** consists of the **Agreement Section**, the **Case Files Section**, the **Claims Assignment Section**, and the **Docket Section**. Each of these areas of expertise has submitted the following data for the Fiscal Year 2006 – 2007.

**The Agreement Section** receives and processes settlement agreements, attorney fees, and motions to substitute party for widows' benefits. In addition, motions and agreements are prepared

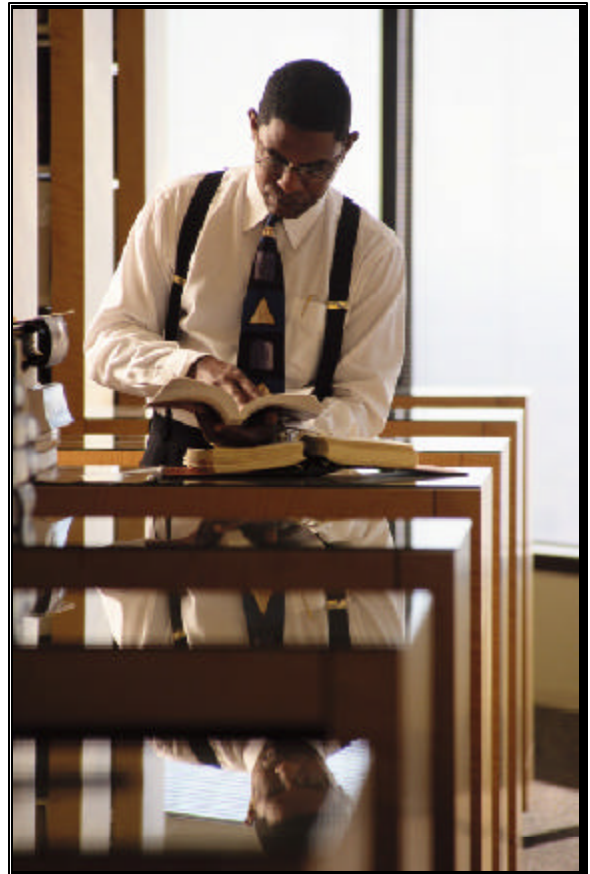
on a daily basis for submission to the Frankfort Agreement Docket for rulings to be made by the Chief Administrative Law Judge (CALJ). Section staff received and processed 4,142 first report agreements; 658 unassigned claim/ reopening agreements (medicals and lump sums of remaining benefits); 1,096 motions for attorney fees; and 195 motions to substitute party/widow's benefits for this fiscal year.

The **Case Files Section** receives and processes unassigned motions to reopen, motions for attorney fees, miscellaneous motions and prepares them for assignment to the Docket Section. Many are routed back to them for further assignments. This section houses, maintains and oversees a crucial file tracking system, serves as the custodian for all exhibits and x-rays filed with claims and also audits/purges the files after a final decision has been rendered. The Case Files Section received 1,827 new motions, checked in and audited 5,083 files and purged 5,012 files.

The **Claims Assignment Section** receives and processes all applications for resolution of injury, occupational disease, coal workers' pneumoconiosis, hearing loss claims and the notices/motions relevant to those claims. In addition, they assign these claims to the Administrative Law Judges, schedule the benefit review conferences, and prepare the calendar for the court reporter assignments. The Claims Assignment Staff processed 4,003 new claims (77 of these were Coal Workers' Pneumoconiosis or CWP claims) and assigned 4,787 files including 997 cases from the motion docket to the Administrative Law Judges for the benefit review conferences.

The **Docket Section** prepares motions in cases which have not been assigned to a law judge and places them on the Frankfort Motion Docket for ruling by the CALJ. The staff attended each of the 51 dockets that were held during this fiscal year to provide assistance, to record and to follow through on each of the 2,898 motions that were ruled upon by the Chief ALJ.

The **Appeals Section**, an integral part of the Claims Processing and Appeals Division, readies the appeals from the Administrative Law Judge decision to the Workers' Compensation Board (WCB), the Court of Appeals and the Supreme Court. Statutes and regulations require the timely filing of motions, briefs and petitions with regard to appeals as well as the aforementioned claims. The personnel in this branch monitor and track all filings with their own database and hard copy files. They compile, index and transfer workers' claims files to the WCB and the Court of Appeals, concluding with the filing and entering of all subsequent orders and opinions rendered by the Board and appellate courts.



The Appeals Section prepared 389 appeals to the WCB during fiscal year 2006–2007 and received final disposition orders on 197 claims. The Board rendered a total of 337 opinions. Partial term members, the Honorable Jonathan Stanley rendered 61 opinions; the Honorable R. W. Dyche III rendered 25 opinions; the Honorable W. Bruce Cowden rendered 93 opinions; and the Honorable Kent T. Young rendered 11 opinions. Completing a full year, The Honorable John A. Gardner rendered 147 opinions. No full board opinions were rendered. To include the 197 final disposition orders, a total of 534 cases were processed by the Board for this fiscal year.

One hundred seventeen petitions for review were filed with the Court of Appeals. One hundred twenty-four records were prepared, indexed and transferred to the Court of Appeals by section staff, with the court rendering 123 opinions. Final orders came down on two claims. Additionally, there were 66 claims appealed to the Supreme Court with the Court rendering 51 opinions and 5 final orders during this fiscal year 2006–2007.



# Information and Research



The duties of the Division of Information and Research include collection, storage and retrieval of data and the dissemination of information. The Division of Information and Research is organized into two branches, the Records Branch and the Imaging Branch. The Records Branch is primarily responsible for data entry, Electronic Data Interchange (EDI), coding, responding to requests for claim and first report information, publications, specific data extrapolation associated with open records requests and ensuring the validity and integrity of the OWC's databases. The duties of the Imaging Branch consist of imaging and verifying all hard copy

documents as well as indexing them into the OWC's integrated information and optical image system.



Deborah Wingate, Director

## Records Branch

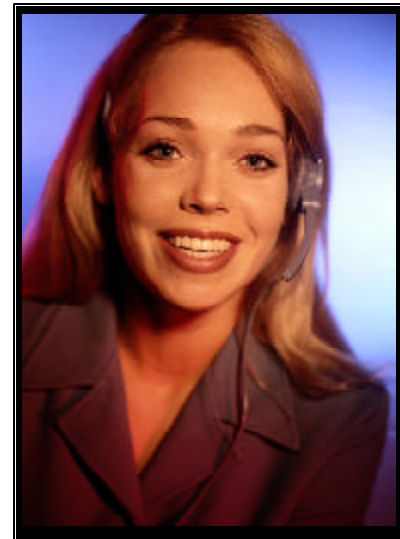
**The Records Branch** is a fundamental part of the Office of Workers' Claims (OWC) and is divided into four sections: Data Entry, Electronic Data Interchange (EDI), Open Records and the Research Section. These sections combine to ensure reliability, accuracy and integrity within the data that is submitted to the OWC.

**The Data Entry Section** receives and processes incoming mail, sorting and counting by document type. This section receives 90 percent of the documents filed with the OWC. This includes interpretation of orders prepared by the Administrative Law Judges (ALJs) and pleadings filed by the attorneys. Section staff are charged with the responsibility of updating the database with approximately 350 active status codes, 53 dispositions and more than 100 variables. All these combine to give more details regarding the status of a claim. These codes are used by specialists to ensure quality assistance to claimants, attorneys, employers and carriers. During this reporting period, the data entry section received 94,627 pieces of mail, 27,678 orders from the ALJs, 1,851 awards and opinions as well as 2,644 docket orders. Each document receives personal attention to ensure that the data coming into the office is legitimate.

The Electronic Data Interchange (EDI) system is used by carriers and self-insured employers to report data electronically. This system has been used by Kentucky since 1996. The information transferred via EDI is monitored and coded by **the EDI Section**. There are over 10,000 codes available for submitting specific information about each injury. This information is used for tracking purposes and as system triggers for issuing statute of limitations letters based on the date of injury or last receipt of temporary total disability benefits. Section staff manually enter first

report information from the application in the event a claim is filed on an injury or occupational exposure that isn't initially reported. This ensures that the agency's records are complete and there is no interruption in workflow. Information compiled by this section is utilized through the office as the claim progresses throughout the adjudication process. During this fiscal year, the EDI section received 37,347 first reports through the EDI system, manually added 1,644 injury reports and completed 877 change forms.

**The Open Records Section** responds to requests for claim and first report information pursuant to KRS 61.872(2). Requests are received from a variety of outside parties including attorneys, insurance carriers, employers, the Social Security Administration as well as the general public. During the 2006-2007 fiscal year, 13,922 written requests were received, 21 walk in requests and 551 requests from the Social Security Administration. In addition to producing hard copy records, oral testimony and certifications are also provided by this section upon request. Available to prospective employers through the Open Records section, is a service of pre-



employment screening. Pre-employment requests are only granted after the Office of Workers' Claims has received a written request, accompanied by a signed employee authorization form. Pre-employment inquiries totalled 21,019 coming in as the most frequently requested material. The amount of money received by the open records section this fiscal year was \$114,519.90.

Pursuant to KRS 150.170, the Open Records Section also verifies workers' compensation awards for the Department of Fish and Wildlife for individuals applying for free hunting and fishing licenses. This reporting period, there were 60 applications processed.

**The Research Section** of the Records Branch conducts intricately specialized injury and industry research by collecting, reviewing and comparing data that is relevant to workers' compensation issues and the Kentucky Office of Workers' Claims. Complex SQL queries are written to extract the data from the agency's SSIMBA (Server Based System for Information Management and Business Applications) system. Section staff are familiar with the 89 tables that are housed in the SSIMBA database as well as the codes, current as well as historical, that are used by the Data Entry and EDI Sections to identify each specific document type and maintenance type transaction code. Reports are formatted to answer in depth open records requests and to monitor agency, carrier and employer performance. This data is highly beneficial when it comes to exploring areas of legislative interest.

Statistical reports and analysis by the research staff are gathered/processed from accessing the first reports of injury, the subsequent reports of Injury and various other OWC databases. A few examples of

research, analysis and compilation of duties of the section staff include the OWC's Annual Report, the Quarterly Activity Reports and the Workers' Compensation Guidebook. Research and data extraction is often requested by the public as well as governmental entities, health care representatives, attorneys, the media and legislators. The results attained by the research staff are used in a variety of ways: to assist in claim filing, to prepare for safety training programs and to update state and national data banks. Additionally, information sharing agreements are held with a variety of other state agencies: Medicaid, Revenue, Retirement and the Office of Insurance.

The Research Section compiles, designs and edits a variety of office publications, in addition to monitoring the agency's statistical progression. The Quarterly and Annual Reports to the Governor, Workers' Compensation Guidebook, Legislative Change Brochures and Retraining Incentive Benefits Posters are essential in aiding constituents and the public to understand the complex system of workers' compensation. These publications are produced for print as well as web publishing.

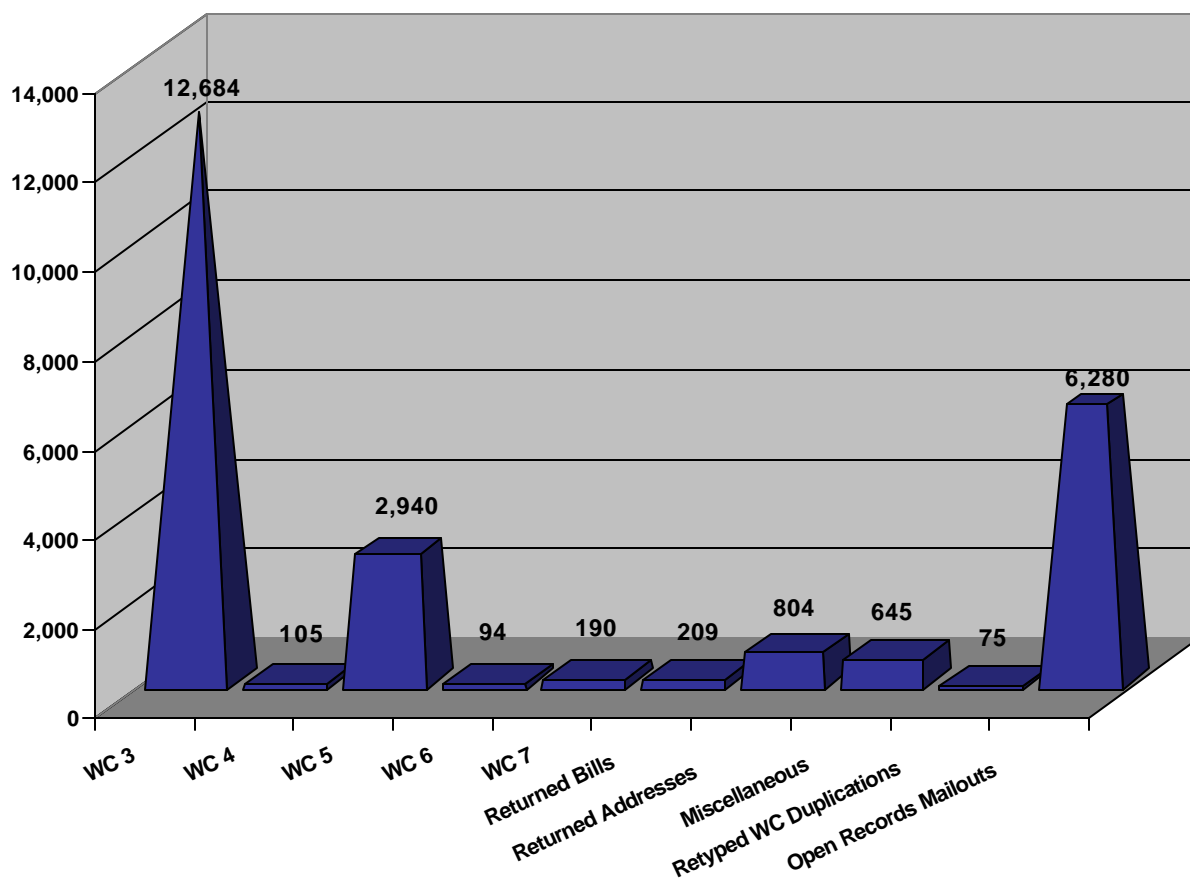
In addition, staff maintains, manages and enhances the Office of Workers' Claims Web site as well as the Southern Association of Workers' Compensation Administrator's (SAWCA) Web site.

The Research Section also aids the Design and Development Section, as well as Data Entry and the EDI Section in maintaining data integrity. Section staff often identify inconsistencies within the data that are not apparent to average users. This results in the development of stronger edits, data clean-up queries being generated and disseminated to resolve such situations.

In the upcoming year, the Research Section will focus on carrier performance as it relates to timely filing of first reports, initial payment of benefits and termination of benefits to ensure that carriers are filing their information in a timely fashion. The reports are based on data submitted through EDI and are dependent upon the integrity of the information submitted by the carrier. It is projected that approximately 10 reports will be generated in the upcoming fiscal year.

During this fiscal year, the Research staff processed WC letters and returned mail as well as assisting Open Records with mail outs. WC letters are sent out for a variety of reasons: benefits terminated, untimely filing, denials, fatality letters, etc. The mail totals for this fiscal year are outlined in the following chart.

**Distribution of Mail Processed by the Research Section**



## The Imaging Branch

The Imaging Branch is responsible for scanning and verifying all hard-copy documents and indexing them into the agency's imaging system. This fiscal year, imaging scanned 192,444 documents equaling 1,611,333 pages. In addition, section staff processed all in house microfilm requests and updated the microfilm database with regard to consolidations and reopenings. Effective February 1, 2007 all microfilm requests are fulfilled by the sections within the agency as needed.

The number of microfilm file requests totalled 351 which equates to 221,452 pages. Other responsibilities of this branch include document retention and destruction. All documents are maintained in accordance with the Department for Library and Archives retention schedule.

In 1995 when the Office of Workers' Claims implemented its optical image system, it was decided that initially only new claims would be scanned. However, over time as the benefits of the system were

realized, the agency expanded the criteria for imaging documents. Now, ten years later the Office of Workers' Claims in cooperation with the Department of Labor is considering a joint microfilm/microfiche conversion project that if funded would allow for all records stored on microfilm/microfiche to be digitized. The benefits of having all records within the agency stored on optical platters are far reaching. Having one storage and retrieval system provides agency staff the ability to view any record maintained by the office directly from their desktop. Costly maintenance agreements and equipment costs associated with microfilm readers/printers can be eliminated and information sharing agreements can be automated thus reducing copying costs and postage charges. Due to a 75-year retention requirement, the OWC's Imaging Branch has approximately 16,000 rolls of microfilm which contain injury and occupational disease claims back to 1930. As a service to our stakeholders, a cost benefit analysis has been conducted and plans are underway to digitize those cases which are currently retained on microfilm and microfiche.





# Security & Compliance

The focus of this division is to ensure that non-exempt employers maintain workers' compensation coverage for their employees. This division is comprised of three branches. The Self-Insurance Branch audits the individual self-insured employers' claim files, monitors their financial strength and determines the surety requirements necessary to secure benefits for the self-insured employers' workforce. The Coverage Branch maintains records to document proof of coverage for each insured Kentucky employer. The Enforcement Branch investigates the status of Kentucky employers' insurance coverage through on-site visits to encourage compliance with the workers' compensation act, ensuring that workers within the Commonwealth are protected in the event of a workplace accident.



**Barbara Meyer-Hughes, Director**

## Self-Insurance Branch

**Individual Self-Insurers** –At the end of the fiscal year, there were 162 individual self-insured companies, six of these companies were on the self-insurance watch list. One additional company left self insurance just after the end of the year.

No current or former self-insured companies declared bankruptcy during the fiscal year.

The actuarial model used to establish surety amounts for the self-insured employers was reviewed and updates were made to the development factors and to a portion of the program logic. The actuarial model will be reviewed each year to ensure the accuracy of the factors being utilized.

There were 194 surety requirement audits and 68 reserve audits conducted during this time period. To date, 223 reserve audits have been conducted. The OWC continues to review the reserving practices of the self-insured companies to assure adequate reserves are being reported. In addition, reviews have been performed to assist the OWC in determining when a surety reduction requested by a former self-insured is or is not warranted.

## Coverage Branch

The Coverage Branch receives information through the Electronic Data Interchange (EDI) documenting proof of workers' compensation coverage from each carrier and self-insured group fund, for employers covered by the workers' compensation act.

An estimated 294 insurance companies, including the competitive state fund Kentucky Employers Mutual Insurance Company (KEMI), insured the Commonwealth's employers during this fiscal year. Carriers submit required Proof of Coverage information through one of the state approved data collection agents. There are three (3) data reporters approved to submit proof of coverage: Workers' Comp-Link, Claimport (ISO), and National Council on Compensation Insurance (NCCI) added on 1-1-2006. KEMI and Kentucky Employers Safety Association (KESA) are approved for direct filing of Proof of Coverage to the Office.

Data is received by a master database maintained by the Coverage Branch. The Coverage Branch processed 259,443 transactions during the fiscal year received from carriers. Of the 259,443 transactions received: 68,682 auto processed, 23,833 rejected and 166,928 manually processed.

The branch revised coverage transaction processing procedures during the last half of the fiscal year. These changes have resulted in a 26% improvement in the number of transactions which are automatically processed and a decrease in the number of transactions that are rejected.

Certifications of coverage; monitoring of "Wrap-up" construction projects; registration of employee leasing organizations; and other special projects complete the responsibilities that are part of normal day-to-day operations.

## Enforcement Branch

The role of the Enforcement Branch is to assure employers subject to the Workers' Compensation Act comply with statutory requirements. This is achieved several ways. The most frequent contacts with Kentucky businesses are the enforcement officer's random on-site visits, these visits facilitate timely compliance. The branch also investigates leads generated by in-house personnel, complaints and injury claims (Uninsured Employer Fund) reported through various sources. In addition, the branch encourages timely compliance through educational initiatives.

Enforcement officers are located in various field offices across the state. Officers use mobile computers to record information at the point of investigation. Completed investigations are electronically transmitted to the Frankfort office where they are received into a database.

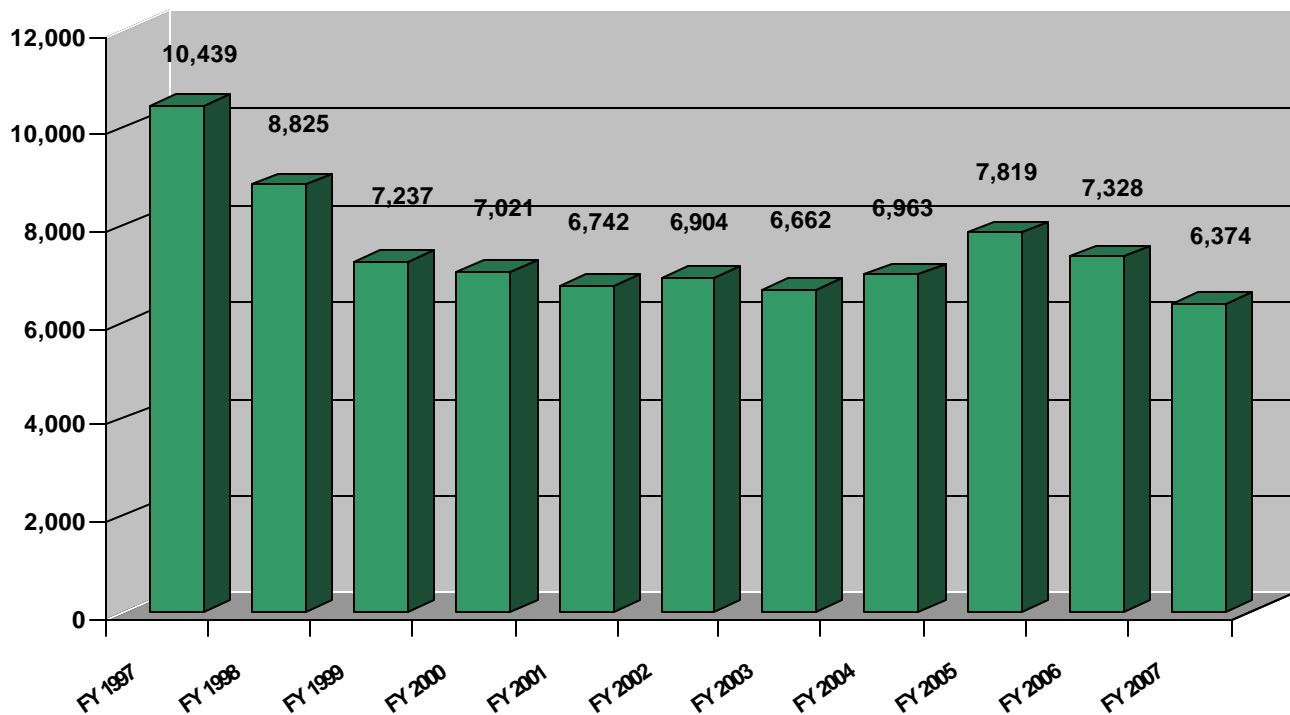
Officers' non-compliant investigations are prepared for the Executive Director's review. The statute authorizes the Executive Director to cite non-compliant employers and issue penalties. Approved citations are delivered to the employer. The branch logs and processes citations through the legal tracking system. Collected penalties are also entered into this system. The branch forwards all collected penalties to the Workers Compensation Funding Commission. When necessary, officers testify and present evidence in official proceedings.

During this fiscal year, the branch's enforcement officers conducted 10,049 on-site inspections of Kentucky businesses. As a result, the Executive Director issued 1,000 citations to non-complying employers. The branch collected \$1,362,754.95 from assessed penalties. This is a record for fiscal year penalty collections. For comparative purposes, the following chart breaks down investigations and citations issued to non-complying employers during the previous five years.

Investigation Analysis Fiscal Years 2001-2007						
	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07
<b>Number of Investigations</b>	11,173	10,095	8,993	10,474	7,797	10,049
<b>Number of Citations</b>	461	447	709	1,142	1,052	1,000
<b>Penalties Collected</b>	\$252,564	\$296,609	\$388,826	\$737,755	\$1,192,471	\$1,362,754

The Enforcement Branch has the responsibility to maintain the filing of Employee's Written Notice of Rejection of the Workers Compensation Act (Form 4). An employee may waive the right to protection under the Act by filing this notarized form with the Office of Workers Claims. In Fiscal Year 2007, the branch received and logged 6,374 Form 4s. The attached chart shows the number employees rejecting coverage declined significantly from fiscal year 1997.

### **Employee's Written Notice of Rejection filed with the Office of Workers' Claims**



# Constituent Services



medical and return to work issues including other states' procedures, vocational rehabilitation and independent medical evaluation services.

The Division of Ombudsmen and Workers' Compensation Specialists provides a centralized source of information and assistance. This division directly services the needs of workers, employers and members of the insurance and medical professions.

Toll-free assistance is available on topics such as how to file a claim, dispute resolution, various rights and procedures, as well as a wide range of medically related issues. The division also receives and answers or directs inquiries through the agency's Web site.

In addition to the Ombudsmen and the Workers' Compensation Specialists Services sections, the Medical Services Branch and the Vocational Rehabilitation Section are included in this division. Primary focus for these areas is on medical cost containment, studying workers' compensation

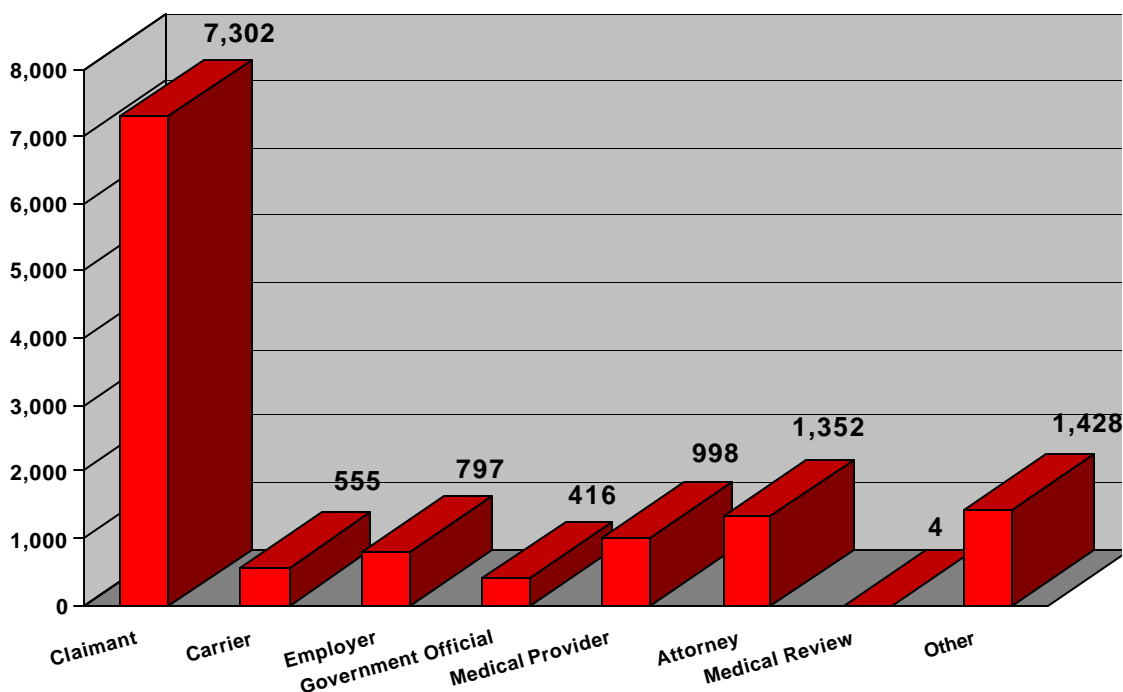


Sue Barber, Director



During the 2006-2007 fiscal year, the Division of Ombudsmen and Workers' Compensation Specialist Services continued to be proactive in providing assistance and information. They responded to 13,166 requests. Most requests for assistance were completed within a week of initial contact. The chart below reflects a breakdown on the sources of those requests.

### Breakdown of Assistance



The table below outlines the subject matter of these requests. The category represented by 'Other' includes such things as the attorney of record, the current mileage rate, the carrier/insurance agent and questions of a general nature.

Topic	Number of Calls
Rights and Procedures	6,994
Claims Status Request	1,948
Coverage	1,526
Other	1,426
Form Request	814
Referrals to Outside Agencies	259
First Report of Injury	487
Medical Fee Schedule	70
Claim Filing Assistance	154
Medical Fee Dispute	167
Unfair Claims Settlement Practice Investigation	192
Utilization Review	89
Fraud	52
Managed Care	15
Rehabilitation	10

## Ombudsmen and Workers' Compensation Specialists Branch

Established in 1994, the Ombudsmen and Workers' Compensation Specialist Branch is now in its' twelfth year of operation. The branch currently employs 12 workers' compensation specialists throughout the state – seven in Frankfort and the remaining five in branch offices of Louisville, Pikeville and Paducah.

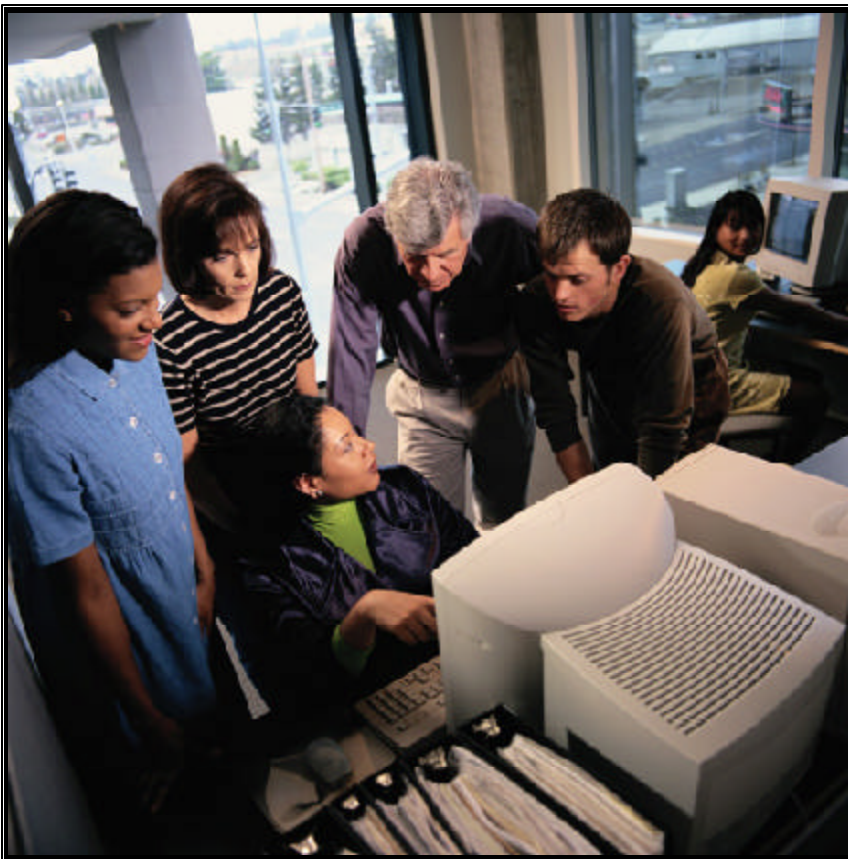
Toll-free telephone assistance is available to callers on all workers' compensation topics of interest to the public including how to report or file a claim, dispute resolution, benefit information, rights and procedures and many related issues. This branch also responds to constituent services requests from lawmakers and attorneys.

The primary daily activity of the workers' compensation specialists is to assist in the prompt delivery of benefits. This is done by facilitating communication and exchange of information between the injured worker and the claims adjuster, employer and medical providers. Care is taken to remain impartial in dealings with all parties.

On occasions where a complaint is received that benefits are unreasonably denied or delayed, the branch's legal staff will initiate an inquiry as to whether an unfair claims settlement practices violation has occurred. The executive director is authorized to fine an insurance carrier for such violations in the delivery of benefits. A total of 100 unfair claims settlement practices

investigation were opened by staff for the past fiscal year. Thirty-six of these were forwarded to General Counsel with recommendations for citation.

The specialist branch has just completed its first full year with a new phone system which permits the toll-free 800 number to ring into all branch offices and Frankfort. The new system allowed us to provide better service to callers and an equalization of workload among the specialist staff.



## **2006 Medical Issues Study**

In the spring of 2006, the executive director asked the division director to conduct a study of utilization review issues that would involve interested stakeholders from the workers' compensation business arena and that would identify problems, opportunities and solutions to the problems. A steering committee was formed to develop the expectations and goals of the study and to identify specific subcommittee topics. Notices were placed on the Office of Workers' Claims Web site and on the Communications Network announcing the project and inviting stakeholders to join a committee.

On July 21, 2006, the executive director kicked off the "2006 Utilization Review Study" with a meeting of about ninety physicians, insurers and business representatives who agreed to devote their time and expertise to participate on the subcommittees. The seven subcommittee that were formed were: chiropractic issues; managed care; medical fee disputes, pain management; prescription drug abuse; treatment guidelines; and utilization review administration process. All subcommittees worked diligently throughout the fall and winter and concluded the study with a meeting on December 1, 2006. At that meeting, the chairs of each subcommittee gave short presentations and delivered their subcommittee's white paper to the executive director.

For phase two of the study, the executive director and an executive committee are examining the recommendations and deciding which ones can be executed and how.

## **Medical Services Branch**

Cost containment and the administration of medically related services are the primary activities of this section of the Office of Workers' Claims. Major programs and projects in this division this year included Managed Care Plans; Utilization Review Plans; University Evaluations; "B" Reader Consensus Panel; Medical Fee Schedules; and Cost Containment.

### **Managed Care**

The Managed Care Unit is charged with the responsibility of approving and overseeing the operations of Managed Care Programs (MCPs) in Kentucky. During fiscal year 2006-2007, there were 41 approved managed care programs in operation. MCPs emphasize controlling utilization of medical services through the use of provider networks, gatekeeper physicians, aggressive case management and coordination of medical treatment and return to work.

Approximately 36 percent of Kentucky's workforce (excluding agriculture) participated in workers' compensation MCPs this year. The 41 MCPs that were operational covered approximately 4,189 employers and 700,194 employees.

Today, 12 years after managed care was first enacted, it still remains one of the most historically significant cost containment measures in Kentucky's Workers' Compensation system. In 2006-2007 a study of managed care issues and regulations was completed by a stakeholder study group. The group was asked to study what works and what needs improvement. Recommendations were submitted to the executive director.

## Utilization Review

Since 1995 insurance carriers, self-insured employers and group self-insured funds have been required to implement a Utilization Review Program (UR) and submit the written plan to the executive director for approval. The regulations were adopted to meet the objectives of improving medical treatment, reducing over- utilization of services, reducing litigation over medical matters and facilitating the exchange of information between physicians and payors. During FY 2006-2007, 51 utilization review plans were certified for operation by the executive director. A study of utilization review procedures and regulations has been completed and the recommendations have been given to the executive director.

## 2005 Physicians Fee Schedule



On February 15, 2006, the 2005 edition of the Kentucky Workers' Compensation Medical Fee Schedule for Physicians went into effect. It governs physicians' charges in Kentucky workers' compensation cases. Utilizing updated coding (2004 CPT codes), ground rules and procedure description updates and revised reimbursement values, it completely replaces the prior October 15, 2001 edition.

During the fall of 2006 and spring of 2007, the Fee Schedule Committee started working on the next Physicians' Fee Schedule. The committee wrote bid specifications and through the public bid process, an actuarial vendor was selected and recommended to the executive director. Once the approval process is finalized, the committee will work with the vendor to decide many aspects of the new fee schedule including the new CPT codes to include, appropriate wording for ground rules and maximum reimbursement levels.

## Hospital Fee Schedule

Per 803 KAR 25:091, the Kentucky Office of Workers' Claims is required to calculate adjusted "cost-to-charge" ratios for hospitals for each calendar year. The hospital fee schedule (cost-to-charge ratio) governs the reimbursement for hospital charges in workers' compensation claims and becomes effective by April 1<sup>st</sup> of each year. Calculations are determined by using applicable figures taken from each facility's cost reports (HCFA-2552) on file with the Cabinet for Health and Family Services. The Office of Workers' Claims promulgated the cost to charge ratio for 117 hospitals in FY 06-07. Out of state facilities, by regulation, are reimbursed in the same manner as Kentucky hospitals.

## University Evaluations

Medical Schedulers are responsible for the coordination of scheduling university evaluations at the University of Kentucky and University of Louisville (pursuant to KRS 342.315). Examinations are conducted in all hearing loss and occupational disease claims, and in claims by order of an Administrative Law Judge.

This fiscal year, there were a total of 258 claims that required university evaluations. 185 were scheduled at the University of Kentucky and 73 were scheduled at the University of Louisville. Timely scheduling of university evaluations by the universities and preparing and sending reports are elements that are critical to the success of this program.

### **B-Reader Consensus Panel and Black Lung**

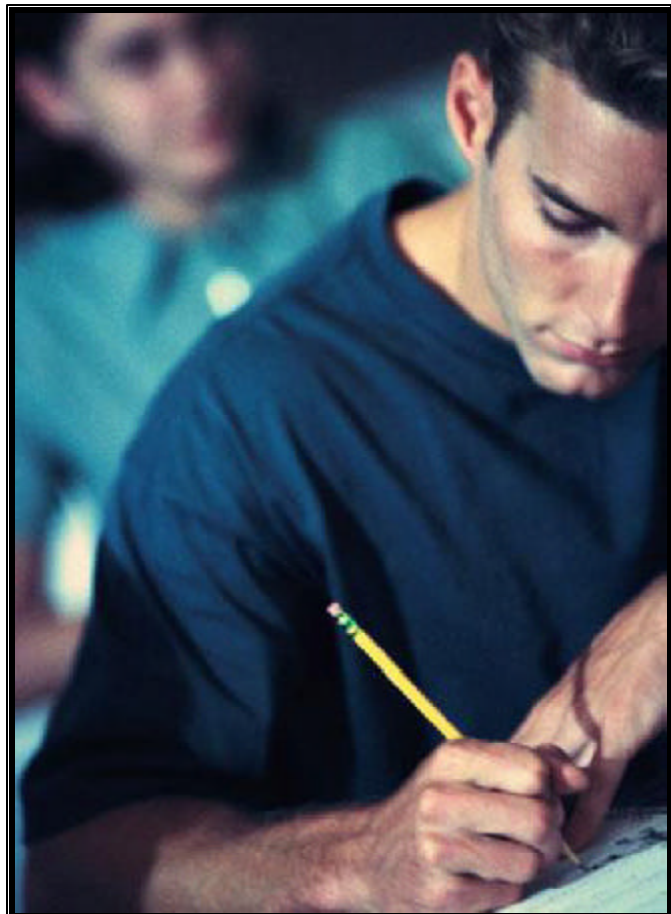
Black Lung claims (coal-related occupational pneumoconiosis) require a chest x-ray interpretation by a National Institute of Occupational Safety and Health (NIOSH) certified “B” reader. If the interpretations filed by each party are not in consensus, the claim is forwarded for panel processing. In 2006-2007, there were 63 Black Lung claims referred for the panel process. The Office of Workers’ Claims is required to maintain a list of certified “B” readers (pursuant to HB 348.) Medical Schedulers are responsible for processing the random selection of “B” readers, sending x-rays to the chosen panel of three and recording and maintaining all reports.

### **Vocational Rehabilitation Section**

In Kentucky, when an injured worker is unable to perform work for which he has previous training or experience, he shall be entitled to such vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore him to suitable employment. As stated in KRS 342.710, one of the primary purposes of this section of workers’ compensation law is the restoration of the injured employee to gainful employment and “preference shall be given to returning the employee to employment with the same employer or to the same or similar employment.”

In fiscal year 2006-2007, the Vocational Rehabilitation Section opened 124 new cases. Of these, 73 were ordered by an Administrative Law Judge. Thirty-two claimants requested training during this time and approximately seven of that group returned to work.

During the previous fiscal year, the Executive Director asked for a comprehensive review of the Workers’ Compensation Vocational Rehabilitation Program and procedures. A Vocational Rehabilitation Focus Group was formed to find ways to strengthen the system.





As a result of the 2005 study, the Vocational Rehabilitation Section strengthened its' focus on early identification of vocational rehabilitation candidates. Injured workers seeking vocational rehabilitation may be referred for a vocational evaluation and can be tested closer to home in one of 15 authorized vocational evaluation facilities located throughout the state.



After evaluation, workers who have scored below a 12th grade level are encouraged to enroll in a local GED program to improve math, reading and language skills. Those who score at or above a 12th grade level and are interested in a college program or

technical training are encouraged to submit information regarding costs and course offerings to the workers' compensation carrier. Carriers/employers may approve or deny the program. Students are encouraged to stay in school and keep the vocational rehabilitation staff informed of their progress.

The vocational rehabilitation staff has developed a good rapport with the Kentucky Office of Vocational Rehabilitation (OVR) during the past fiscal year. Referrals to and from the OVR have increased, which results in better service to injured workers and citizens with disabilities who seek vocational rehabilitation services.

## SCHEDULE OF WEEKLY WORKERS' COMPENSATION BENEFITS

TYPE OF DISABILITY SECTION OF STATUTE	FOR INJURIES OCCURRING					
	01-01-02 thru 12-31-02	01-01-03 thru 12-31-03	01-01-04 thru 12-31-04	01-01-05 thru 12-31-05	01-01-06 thru 12-31-06	01-01-07 thru 12-31-07
<b>APPLICABLE AVERAGE WEEKLY WAGE OF THE STATE</b>	<b>\$550.66 (2000)</b>	<b>\$571.42 (2001)</b>	<b>\$588.43 (2002)</b>	<b>\$607.23 (2003)</b>	<b>\$631.22 (2004)</b>	<b>\$646.47 (2005)</b>

### DEATH (KRS 342.750)

a. Widow or widower with no children-50% of average weekly wage of deceased-subject to the following:						
<b>MAXIMUM</b>	\$275.33	\$285.71	\$294.22	\$303.62	\$315.61	\$323.24
<b>MINIMUM</b>	110.13	114.28	117.69	121.45	126.24	129.29
b. Widow or widower with children living in the home-45% of average weekly wage of deceased, plus 15% for each child-subject to the following:						
<b>MAXIMUM</b>	\$413.00	\$428.57	\$441.32	\$455.42	\$473.42	\$484.85
<b>MINIMUM</b>	110.13	114.28	117.69	121.45	126.24	129.29
c. Widow or widower with children <b>not</b> living in home-40% of average weekly wage of deceased, plus 15% for each child-subject to the following:						
<b>MAXIMUM</b>	\$413.00	\$428.57	\$441.32	\$455.42	\$473.42	\$484.85
<b>MINIMUM</b>	110.13	114.28	117.69	121.45	126.24	129.29
d. One child, <b>no</b> widow or widower-50% of average weekly wage of deceased-subject to the following:						
<b>MAXIMUM</b>	\$275.33	\$285.71	\$294.22	\$303.62	\$315.61	\$323.24
<b>MINIMUM</b>	110.13	114.28	117.69	121.45	126.24	129.29
d(1)More than one child, <b>no</b> widow or widower-50% of average weekly wage of deceased for the first child with an additional 15% of average weekly wage of deceased for each additional child-subject to the following:						
<b>MAXIMUM</b>	\$413.00	\$428.57	\$441.32	\$455.42	\$473.42	\$484.85
<b>MINIMUM</b>	110.13	114.28	117.69	121.45	126.24	129.29
e. Dependent parents-25% of average weekly wage of deceased to each parent -subject to the following:						
<b>MAXIMUM</b>	\$413.00	\$428.57	\$441.32	\$455.42	\$473.42	\$484.85
<b>MINIMUM</b>	110.13	114.28	117.69	121.45	126.24	129.29
f. Dependent brothers, sisters, grandparents and grandchildren-25% of average weekly wage of deceased to each dependent-subject to the following:						
<b>MAXIMUM</b>	\$413.00	\$428.57	\$441.32	\$455.42	\$473.42	\$484.85
<b>MINIMUM</b>	110.13	114.28	117.69	121.45	126.24	129.29

The above is subject to the maximum of 75% of the average weekly wage of the deceased.

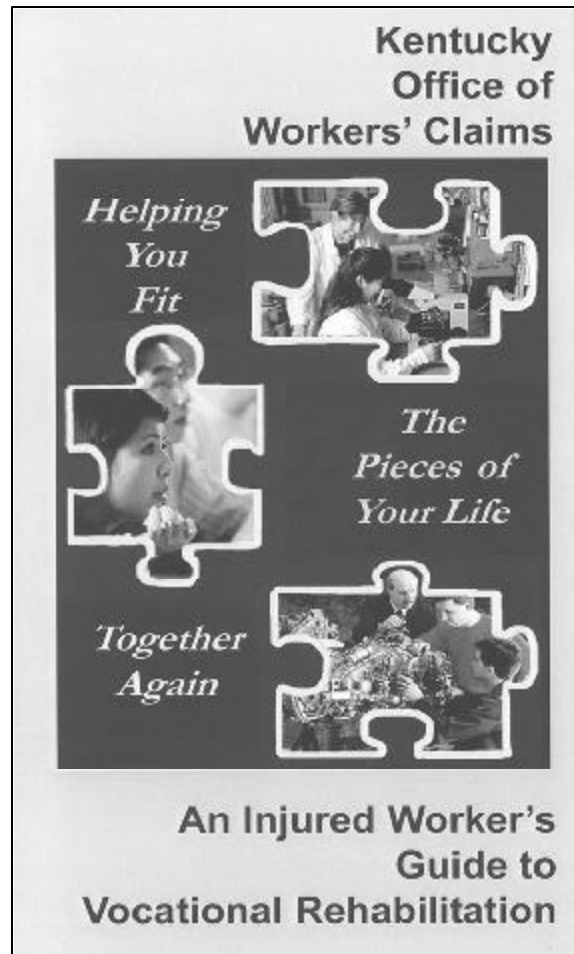
## SCHEDULE OF WEEKLY WORKERS' COMPENSATION BENEFITS

TYPE OF DISABILITY SECTION OF STATUTE	FOR INJURIES OCCURRING					
	01-01-02 thru 12-31-02	01-01-03 thru 12-31-03	01-01-04 thru 12-31-04	01-01-05 thru 12-31-05	01-01-06 thru 12-31-06	01-01-07 thru 12-31-07
<b>LUMP SUM DEATH BENEFIT INCREASE KRS 342.750(6)</b>	54,089.28	56,128.45	57,799.31	59,645.97	62,002.42	63,500.37
<b>TEMPORARY AND PERMANENT TOTAL KRS 342.730(1)(a)</b> 66 2/3% of average weekly wage of employee-subject to the following:						
<b>MAXIMUM</b>	\$550.66	\$571.42	\$588.43	\$607.23	\$631.22	\$646.47
<b>MINIMUM</b>	110.13	114.28	117.69	121.45	126.24	129.29
<b>RETRAINING INCENTIVE BENEFITS KRS 342.732(1)(a)</b> 66 2/3% of average weekly wage of employee-subject to the following:						
<b>MAXIMUM</b>	\$413.00	\$428.57	\$441.32	\$455.42	\$473.42	\$484.85
<b>MINIMUM</b>	NONE	NONE	NONE	NONE	NONE	NONE
<b>PERMANENT PARTIAL FOR INJURIES OCCURRING AFTER 12-11-96 KRS 342.730(1)(b), (1)(c)2, &amp; (1)(d)</b> 99% of 66 2/3% of average weekly wage of employee subject to the following:						
<b>MAXIMUM</b>	\$413.00	\$428.57	\$441.32	\$455.42	\$473.42	\$484.85
<b>MINIMUM</b>	NONE	NONE	NONE	NONE	NONE	NONE
<b>PERMANENT PARTIAL FOR INJURIES OCCURRING AFTER 12-11-96 KRS 342.730(1)(c)1, &amp; (1)(d)</b> When the employee does not retain physical capacity to return to type of work performed at time of injury- 99% of 66 2/3% of average weekly wage of employee subject to the following:						
<b>MAXIMUM</b>	\$550.66	\$571.42	\$588.43	\$607.23	\$631.22	\$646.47
<b>MINIMUM</b>	NONE	NONE	NONE	NONE	NONE	NONE

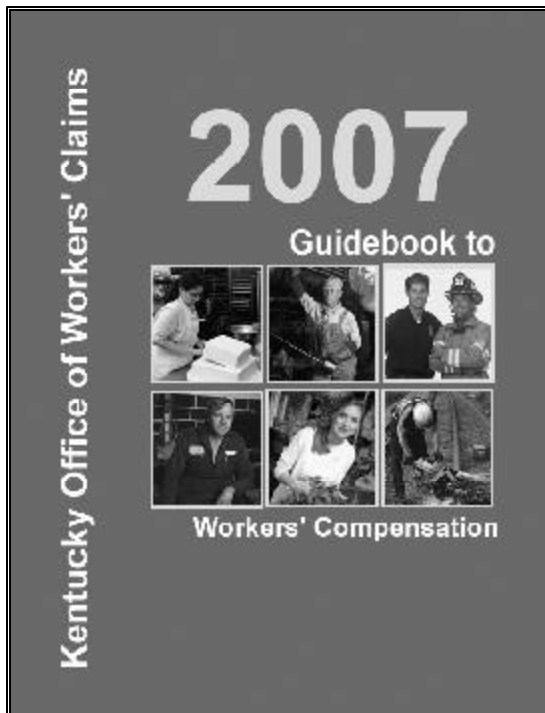
## Publications



**Coal Workers' Pneumoconiosis  
Poster**



**Vocational Rehabilitation Brochure**



**Workers' Compensation Guidebook**

These publications may be accessed through the agency Web site at <http://labor.ky.gov/workersclaims> or by calling the Office of Workers' Claims toll free at 800-554-8601

## Key Personnel\*

\* at time of publication

William P. Emrick, Executive Director (502) 564-5550, Ext. 4439

Philip A. Harmon, Deputy Executive Director (502) 564-5550, Ext. 4412

Wayne Logan (502) 564-5550, Ext. 4428  
Office of Administrative Services

Sheila Lowther (502) 564-5550, Ext. 4422  
Chief Administrative Law Judge

Carla H. Montgomery (502) 564-5550, Ext. 4464  
General Counsel

Sharon Eastman (502) 564-5550, Ext. 4530  
Technical Support Section

Jeremy King (502) 564-5550, Ext. 4415  
Design & Development Section

Howard "Cam" Lawson, EDI Administrator (502) 564-5550, Ext. 4486

### **Division of Claims Processing & Appeals**

Barbara Mook, Director (502) 564-5550, Ext. 4534

Connie Morris, Claims Branch Manager (502) 564-5550, Ext. 4407

Diana Morgan, Appeals Branch Supervisor (502) 564-5550, Ext. 4457

### **Division of Information & Research**

Deborah Wingate, Director (502) 564-5550, Ext. 4423

Sheila Shouse, Records Branch Manager (502) 564-5550, Ext. 4483

Carol Stevens, Imaging Branch Manager (502) 564-5550, Ext. 4557

Ashley Estep, Open Records Supervisor (502) 564-5550, Ext. 4429

Sharon Anderson, EDI Supervisor (502) 564-5550, Ext. 4416

Kim McKenzie, Web Administrator (502) 564-5550, Ext. 4484

### **Division of Ombudsmen & Medical Specialist Services**

Sue Barber, Director (502) 564-5550, Ext. 4559

John Mann, Chief Specialist (502) 564-5550, Ext. 4532

Toll Free (800) 554-8601

Pam Knight, Medical Cost Containment Supervisor (502) 564-5550, Ext. 4449

Carole Jacobs, Utilization Review (502) 564-5550, Ext. 4445

Marilyn Thompson, Managed Care (502) 564-5550, Ext. 4539

Carol Hughes, Rehabilitation Section Supervisor (502) 564-5550, Ext. 4544

### **Division of Security and Compliance**

Barbara Meyer-Hughes, Director (502) 564-5550, Ext. 4526

Joe Peters, Coverage Branch Manager (502) 564-5550, Ext. 4448

Steve Taluskie, Self-Insurance Branch Manager (502) 564-5550, Ext. 4452

Tom Powell, Enforcement Branch Manager (502) 564-5550, Ext. 4450

### **OWC Fax Numbers:**

Executive Director's Office	(502) 564-5934	Claims	(502) 564-3792
Administrative Services	(502) 564-8250	EDI	(502) 696-5096
Ombuds & WC Specialist	(502) 564-9533	Security & Compliance	(502) 564-0916
Open Records	(502) 564-5732	WC Board Offices	(859) 246-2779
Medical Schedulers	(502) 564-5741	Vocational Rehabilitation	(502) 564-5741



No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Kentucky Department of Labor.

This agency does not discriminate on the basis of race, color, national origin, religion, age or disability in employment or provision of services.

